

Douglas W. McGregor, of Texas, to be United States attorney for the southern district of Texas. (Mr. McGregor is now serving in this office under an appointment which expires July 1, 1938.)

UNITED STATES MARSHAL

Charles W. Robertson to be United States marshal for the district of South Dakota. (Mr. Robertson is now serving in this office under an appointment which expires June 15, 1938.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. John Salisbury Fisher, Infantry, with rank from August 1, 1935.

TO COAST ARTILLERY CORPS

First Lt. Gwinn Ulm Porter, Infantry, with rank from June 13, 1936, effective August 11, 1938.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lt. Col. Harry Schmidt to be a colonel in the Marine Corps from the 1st day of May 1938.

Lt. Col. Miles R. Thacher to be a colonel in the Marine Corps from the 2d day of June 1938.

Maj. Maurice C. Gregory to be a lieutenant colonel in the Marine Corps from the 2d day of June 1938.

Maj. Andrew E. Creesy to be a lieutenant colonel in the Marine Corps from the 2d day of June 1938.

The following-named captains to be majors in the Marine Corps from the 2d day of June 1938:

Ralph D. Leach	Stanley E. Ridderhof
George W. McHenry	Morris L. Shively
William L. McKittrick	

The following-named first lieutenants to be captains in the Marine Corps from the 2d day of June 1938:

Wayne H. Adams	John A. White
John H. Cook, Jr.	Edward J. Dillon
Edward H. Forney, Jr.	Harold I. Larson

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9 (legislative day of June 7), 1938

UNITED STATES ATTORNEY

Charles E. Dierker to be United States attorney for the western district of Oklahoma.

UNITED STATES MARSHAL

Anton J. Lukaszewicz to be United States marshal for the eastern district of Wisconsin.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 9, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

According to Thy name, O God, so is Thy praise unto the ends of the earth; Thy right hand is full of righteousness. Thou art our Good forever and ever, and will be our guide even unto death. Oh, that men would praise the Lord for His goodness and for His wonderful works toward the children of men.

O gracious Father of mankind, help us to interpret aright the constant revelation of Thy love and mercy manifested toward us. We pray Thee to make this day rich in satisfaction which comes from upright living. Let our best impulses find expression in the spirit of helpful justice couched in all hearts. We thank Thee that wherever there is a listening soul, there Thou art, and wherever Thou art, the shadows dissolve in the beams of Thy unclouded truth. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 1, 1938:

H. R. 1486. An act to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes";

H. R. 4276. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes;

H. R. 4852. An act to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes;

H. R. 5974. An act to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation;

H. R. 8008. An act to provide for the purchase of public lands for home and other sites;

H. R. 8373. An act for the relief of List & Clark Construction Co.;

H. R. 8487. An act confirming to Louis Labeaume, or his legal representatives, title to a certain tract of land located in St. Charles County, in the State of Missouri;

H. R. 9577. An act to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean mail contract claims;

H. R. 9722. An act to amend section 5 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905 (33 Stat. 616); and

H. J. Res. 622. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

On June 3, 1938:

H. J. Res. 693. Joint resolution making an appropriation to aid in defraying expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg.

On June 7, 1938:

H. R. 6869. An act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia;

H. R. 7085. An act to regulate barbers in the District of Columbia, and for other purposes; and

H. J. Res. 687. Joint resolution to amend title VI of the District of Columbia Revenue Act of 1937.

On June 8, 1938:

H. R. 1591. An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes; and

H. R. 10140. An act to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 7560. An act to authorize alterations and repairs to certain naval vessels, and for other purposes;

H. R. 8673. An act for the relief of certain persons at certain projects of the Farm Security Administration, United States of Department of Agriculture;

H. R. 9014. An act to authorize the conveyance to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars of the United States, of a parcel of land at lock No. 6, Kanawha River, South Charleston, W. Va.;

H. R. 10076. An act to create the White County Bridge Commission; defining the authority, power, and duties of

said commission; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind.;

H. R. 10722. An act to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 4 to 8, inclusive, 1938;

H. J. Res. 683. Joint resolution to provide for a floor-stock tax on distilled spirits, except brandy; and

H. J. Res. 688. Joint resolution creating the Niagara Falls Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, N. Y.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9721) entitled "An act authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10238) entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1939, and for other purposes."

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10298. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 1872) entitled "An act for the relief of Martin Bridges," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5743) entitled "An act for the relief of Haffenreffer & Co., Inc.," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURKE, Mr. SCHWELLENBACH, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1294. An act to amend the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended; and

S. 3337. An act to amend section 2 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, to increase the authorized percentage of privates, first class, in the Marine Corps, from 25 to 40 percent of the whole number of privates.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 546. An act for the relief of Annie Mary Wilmuth;

S. 1788. An act for the relief of William J. Schwarze;

S. 2532. An act for the relief of Mr. and Mrs. Guy R. Syth;

S. 2876. An act for the relief of Mark H. Doty; and

S. 3079. An act for the relief of George W. Breckenridge.

The message also announced that the Senate had adopted the following order:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2165) to amend

LXXXIII—545

the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

JUNE 9, 1938.

The Honorable WILLIAM B. BANKHEAD,

Speaker of the House of Representatives.

SIR: From the State Board of Election Commissioners of the Commonwealth of Kentucky, I have received the certificate of election of Hon. JOE B. BATES as a Representative-elect to the Seventy-fifth Congress from the Eighth Congressional District of that State, to fill the unexpired term caused by the resignation of Hon. Fred M. Vinson.

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

SWEARING IN OF A MEMBER

Mr. BATES of Kentucky appeared at the bar of the House and took the oath of office.

INVESTIGATION OF UN-AMERICAN ACTIVITIES

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 510

Resolved, That the expenses of conducting the investigation authorized by House Resolution 282, incurred by the special committee appointed to investigate un-American propaganda in the United States and related questions, acting as a whole or by subcommittee, not to exceed \$100,000, including expenditures for the employment of experts, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on Accounts; and the head of each executive department is hereby requested to detail to said special committee such number of legal and expert assistants and investigators as said committee may from time to time deem necessary.

With the following committee amendments:

In line 5, strike out the figure "\$100,000" and insert in lieu thereof the figure "\$25,000."

After the first section, add the following:

"Sec. 2. That the official committee reporters may be used at all hearings held in the District of Columbia if not otherwise officially engaged."

Mr. WARREN. Mr. Speaker, my personal views about this matter are at variance with the action of the House in ordering this investigation. This is the third investigation of this nature in recent years, and I personally believe it is all a lot of hullabaloo about nothing. Certainly it is, as far as my State is concerned. However, the House has spoken and it is incumbent upon the committee to bring in funds. This investigation has been limited by the express order of Congress to January 3, 1939, which is sufficient time to investigate any subject. The Speaker has appointed an exceptionally able committee. Certainly, it is not incumbent upon me even to make a suggestion to that committee, but there is no need for the committee to take on some of the usual hangers-on and camp followers who attach themselves to a committee just as soon as the House sets it up. The gentlemen who have been selected by the Speaker are able lawyers, able cross examiners, and able investigators, and should they wish to go as far as to conduct an inquisition they are fully capable of doing that, too. We believe we have given them sufficient money to make this investigation and to close it up and bring a report here on January 3.

Mark my word when I say to the House no matter how diligent the members of this committee are, when they come back here with their report it will be embalmed in the archives of Congress and nothing whatever will be done about it. We have sufficient laws on the statute books today to take care of most of the conditions complained of. The late McCormack committee came in here with recommendations, and half of the committee's recommendations were not even considered by either House of Congress.

In giving this committee \$25,000, I may say we have exhausted every single copper cent in the contingent fund for investigations at this session of Congress. It is only fair to say not only to this committee, but to all other special committees that may be set up, that they need not come back to the Committee on Accounts and ask that a deficit be made good. That has been done to my knowledge only once in the last 12 years. We are not going to approve a voucher for 1 cent over the appropriation. It is neither morally right nor legal for a committee to exceed its appropriation and come back here and expect us to make up the deficit.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield to the gentleman from New York. Mr. O'CONNOR of New York. There is a very good likelihood of several other committees being set up before we adjourn at this session. What can be done to take care of those committees?

Mr. WARREN. As the gentleman knows, that is beyond the Committee on Accounts and would be up to the Committee on Appropriations. I understand, and in fact I know, that a request was made to the Committee on Appropriations for additional funds in the event of an emergency such as the gentleman speaks of. For some reason that appropriation was not made. If any other investigations are set up, the Committee on Accounts will not be in a position to approve a request for one dollar, or even bring in a resolution, unless the Committee on Appropriations should make an appropriation for that purpose.

Mr. O'CONNOR of New York. Of course, we hope before we are through here to set up committees to investigate forestry, monopolies, radio, and perhaps some other matters. They will all be important investigations. Of course, one way to defeat an investigation is not to give it any money, so if these investigating committees cannot get any money they will be practically defunct.

Mr. WARREN. I am sure the gentleman agrees that we would have no right to bring in a resolution when we have no appropriation, as that is beyond the Committee on Accounts.

Mr. O'CONNOR of New York. I appreciate that.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I believe the gentleman from North Carolina is about the best versed man on conditions around the Capitol, and I believe he said one of the most sensible things any man could in giving advice to a committee when he spoke of the fact that there are a lot of hangers-on around this Capitol who are trying to become secretaries of these investigating committees, the committee, if it wishes to do a good job, should beware of some of these professional secretaries. There are a lot of them around here who are not worth the powder to blow them up, and I hope, when this committee selects its secretary, they will select a good one.

There is another thing I would like to say to the gentleman while I am on my feet. Yesterday we authorized \$50,000 to investigate the reindeer industry in Alaska. That is about as senseless a thing as I know of, because such an investigation can be accomplished for one-third of \$50,000 if it is handled under the Interior Department, and sometimes we give too much money for some of these investigating committees, as this would indicate.

The gentleman from New York [Mr. O'CONNOR] said a few moments ago that we are going to have four or five investigating committees. I wonder if they are not going to have an investigation of this \$3,300,000,000 that the President is going to have to spend to elect a Congress. I think we ought to have an investigation of that and I believe if you men on that side of the House are interested in trying to keep this Government from getting into the hands of a political dictator you will earmark all relief funds and stop playing politics with human misery.

Mr. WARREN. Mr. Speaker, I move the previous question on the resolution and the amendments.

The previous question was ordered.

The amendments were agreed to.

The resolution, as amended, was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, yesterday I asked unanimous consent to insert a speech in the RECORD. I now have an estimate from the Printer and I again ask unanimous consent to insert it.

Mr. RICH. Mr. Speaker, reserving the right to object, what is the estimate from the Printer?

Mr. MAVERICK. The estimate is it runs \$58 over the amount you are permitted to put in. You are given two pages.

Mr. RICH. What is the total amount?

Mr. MAVERICK. One hundred and fifty-eight dollars.

Mr. RICH. Does not the gentleman know that all this is an expense that the taxpayers back in your district and in mine have to pay?

Mr. MAVERICK. I would not ask for this unless I thought it was good for my taxpayers and yours, too.

Mr. RICH. But the trouble with the gentleman is he gets too much in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RIVER AND HARBOR AUTHORIZATION BILL

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10298) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

Mr. SNELL. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Texas has asked unanimous consent to take the bill from the Speaker's table and concur in the Senate amendments.

Mr. TABER. Mr. Speaker, may the Senate amendments be reported?

The Clerk read the Senate amendments, as follows:

Page 1, line 9, strike out all after "document" down to and including "conservation" in line 7, page 8, and insert "and that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress, which said investigations and improvements shall include a due regard for wildlife conservation."

Page 2, after line 11, insert:

"Westport River, Mass.; House Document No. 692, Seventy-fifth Congress."

Page 2, after line 13, insert:

"Flushing Bay and Creek, N. Y.; Senate Committee on Commerce document, Seventy-fifth Congress."

Page 2 after line 13 insert:

"Huntington Harbor, N. Y.; House Document No. 638, Seventy-fifth Congress."

Page 3, after line 10, insert:

"Roanoke River, N. C.; House Document No. 694, Seventy-fifth Congress."

Page 3, after line 10, insert:

"New River Inlet, N. C.; House Document No. 691, Seventy-fifth Congress."

Page 3, after line 12, insert:

"Belhaven Harbor, N. C.; House Document No. 693, Seventy-fifth Congress."

Page 3, after line 15, insert:

"Waterway between Beaufort, S. C., and St. Johns River, Fla.; House Document No. 618, Seventy-fifth Congress."

Page 3, after line 15, insert:

"Terry Creek and Back River, Ga.; House Document No. 690, Seventy-fifth Congress."

Page 4, after line 4, insert:

"Palm Beach, Fla.; Side channel and basin in accordance with report on file in the Office of the Chief of Engineers."

Page 4, after line 4, insert:
"Tampa and Hillsboro Bays, Fla.; Senate Commerce Committee document, Seventy-fifth Congress."

Page 4, after line 6, insert:
"Biloxi Harbor, Miss.; House Document No. 639, Seventy-fifth Congress."

Page 4, lines 18 and 19, strike out "Document No. 564" and insert "Documents Nos. 564, 640, 641, 642, and 643."

Page 5, after line 2, insert:
"Bodega Bay, Calif.; House Document No. 619, Seventy-fifth Congress."

Page 5, after line 2, insert:
"San Pablo Bay and Mare Island Strait, Calif.; House Document No. 644, Seventy-fifth Congress."

Page 5, after line 17, insert:

"SEC. 2. That in any case in which it may be necessary or advisable in the execution of an authorized work of river and harbor improvement to exchange land or other property of the Government for private lands or property required for such project, the Secretary of War may, upon the recommendation of the Chief of Engineers, authorize such exchange upon terms and conditions deemed appropriate by him, and any conveyance of Government land or interests therein necessary to effect such exchange may be executed by the Secretary of War: *Provided further*, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act. This section shall apply to any exchanges heretofore deemed advisable in connection with the construction of the Bonneville Dam in the Columbia River."

Page 5, after line 17, insert:

"SEC. 3. To provide suitable office quarters for the district engineer in charge of maintenance and operation of the Washington Aqueduct and of river and harbor improvements in the Washington district, the Secretary of War is authorized to alter and remodel the pumping station building at McMillan Park in accordance with plans approved by the Chief of Engineers, the cost of such alteration and remodeling to be paid from appropriations heretofore or hereafter made by Congress for maintenance and improvement of existing river and harbor works."

Page 5, after line 17, insert:

"SEC. 4. That any amounts collected from any person, persons, or corporations as a reimbursement for lost, stolen, or damaged property, purchased in connection with river and harbor or flood control work prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers, whether collected in cash or by deduction from amounts otherwise due such person, persons, or corporations, hereafter shall be credited in each case to the appropriation that bore the cost of purchase, repair, or replacement of the lost, stolen, or damaged property."

Page 5, after line 17, insert:

"SEC. 5. That the provisions of section 204 of part II of the Legislative Appropriation Act, fiscal year 1933, shall not be so construed as to prevent the employment by the Chief of Engineers under agreement as authorized by section 6 of the River and Harbor Act of July 3, 1930, of any retired civilian employee whose expert assistance may be needed in connection with the prosecution of river and harbor or flood control works: *Provided*, That during the period of such employment a sum equal to the retired pay of the employee shall be deducted from the compensation agreed upon."

Page 5, after line 17, insert:

"SEC. 6. That the conditions of local cooperation applicable to the improvement of the Illinois waterway (Calumet-Sag route) printed in House Document 180, Seventy-third Congress, second session, are hereby modified by eliminating therefrom the requirement that local interests will furnish 'evidence satisfactory to the Secretary of War that the 20 movable bridges across the Sanitary Canal will be placed in operating condition or otherwise satisfactorily altered': *Provided*, That local interests will install operating machinery and place in operating condition the three drawbridges across the Chicago Sanitary and Ship Canal between its junction with the Calumet-Sag Channel and Lockport when directed by the Secretary of War: *Provided further*, That this resolution shall not be construed as modifying the provisions of section 18 of the River and Harbor Act of March 3, 1899 (30 Stat. 1153)."

Page 5, after line 17, insert:

"SEC. 7. That section 14 of Public Law No. 585, Sixty-eighth Congress, approved March 3, 1925, is hereby amended by striking out the word 'Locust' and inserting in lieu thereof the word 'Sipsey', so that said section 14, as amended, will read as follows:

"SEC. 14. That the portion of Black Warrior River between Dam No. 17 and the junction of Sipsey and Mulberry Forks, in the State of Alabama, shall hereafter be known as 'Lake Bankhead.'"

Page 5, line 18, strike out "2" and insert "8."

Page 5, line 21, after "appropriations", insert "heretofore or."

Page 6, after line 7, insert "South side of the channel, South Harpswell, Maine."

Page 6, lines 10 and 11, strike out "; also with a view to the prevention of pollution."

Page 6, after line 11, insert "Manchester Harbor, Mass., with a view to constructing a breakwater between Magnolia Point and Kettle Island."

Page 6, after line 18, insert "Bay Shore Harbor, N. Y."

Page 6, after line 23, insert "Indian River, Del."

Page 7, after line 1, insert "Macum Creek, at the mouth of the Chester River, Queen Annes County, Md."

Page 7, after line 1, insert "Oyster Creek, Anne Arundel County, Md."

Page 7, after line 2, insert "South Creek and West River, Anne Arundel County, Md."

Page 7, after line 3, insert "Scott's Creek, Va."

Page 7, after line 5, insert "Channel from Manteo, via Broad Creek, to Oregon Inlet, N. C."

Page 7, after line 12, insert "Intracoastal Waterway from Jacksonville, Fla., to Miami, Fla."

Page 7, after line 14, insert "Bayou Grande, Fla."

Page 7, after line 14, insert "New Pass, Fla., connecting Sarasota Bay with the Gulf of Mexico."

Page 7, after line 14, insert "Waterway from Punta Rasa, Fla., by way of Caloosahatchee River and Canal, Lake Okeechobee, and St. Lucie Canal and River, to Fort Pierce."

Page 7, after line 14, insert "Watson Bayou, Panama City, Fla., from deep water in St. Andrews Bay to the head of navigation."

Page 7, after line 23, insert "Teche-Vermillion waterway, La., with a view to improvement in the interest of navigation, flood control, and other water uses."

Page 8, after line 9, insert:

"Survey of channel for the purposes of navigation, flood control, power, and irrigation from Jefferson, Tex., to Shreveport, La., by way of Jefferson-Shreveport Waterway, thence by way of Red River to mouth of Red River in the Mississippi River, including advisability of water-supply reservoirs in Cypress River and Black Cypress River above head of navigation."

Page 8, after line 9, insert:

"Sulphur River, Tex. and Ark., with the view to improvement for navigation, flood control, and water power."

Page 8, after line 9, insert:

"San Antonio River, Tex., with a view to its improvement for navigation, flood control, power, and for the prevention of erosion."

Page 8, after line 14, insert:

"Kawkawlin River, Mich., with a view to dredging the outlet, with a view to its improvement in the interests of navigation and flood control."

Page 8, after line 16, insert:

"Yacht Basin and Harbor at Menominee, Mich."

Page 8, after line 16, insert:

"Collinsville Cut, Solano County, Calif."

Page 8, after line 24, insert:

"Umpqua River, Oreg., with a view to determining the advisability of providing for navigation, in connection with power development, control of floods, and the needs of irrigation."

Page 8, after line 24, insert:

"Bay Center Channel, Willapa Harbor, Wash., extending from Palix River to Bay Center Dock."

Page 9, line 1, strike out "3" and insert "9."

Page 9, line 12, strike out "4" and insert "10."

Page 10, line 4, after "hereof", insert ": *Provided further*, That

the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act."

Page 10, line 5, strike out "5" and insert "11."

Page 10, after line 11, insert:

"SEC. 12. That the Secretary of War is hereby authorized to continue the gathering of hydrological data, concerning the proposed Nicaragua Canal, by personnel operating continuously in Nicaragua under the supervision of the Chief of Engineers, as recommended in House Document No. 139, Seventy-second Congress, first session; the cost of this work, and such incidental expenses as may be necessary in connection therewith, to be paid from appropriations hereafter made for examinations, surveys, and contingencies of Rivers and Harbors."

Mr. DONDERO (interrupting the reading of the Senate amendments). Mr. Speaker, I ask unanimous consent that the further reading of the amendments may be dispensed with.

Mr. SNELL. Mr. Speaker, I think we ought to have a little explanation of this matter. I do not know but what it is all right, but we ought to be informed about what is in the bill.

Mr. MANSFIELD. We will be pleased to answer any questions.

Mr. SNELL. I think the gentleman ought to explain the changes.

The Clerk resumed the reading of the Senate amendments.

Mr. SNELL. Mr. Speaker, as far as reading these individual projects is concerned, that is not necessary. The thing I have in mind is that there is a large amount of new material in here and I think the chairman of the committee should explain to the House what these long amendments in the latter part of the bill mean.

The SPEAKER. Without objection the further reading of the Senate amendments will be dispensed with and the amendments printed in the RECORD.

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I may state that when the bill passed the House on April 26 it embraced 39 projects of improvements, authorizing a total expenditure of \$33,903,850. The Senate has added 14 additional projects of improvements, with total authorizations for these 14 projects of \$3,200,500, making the total in the bill \$37,104,350.

I may state that every project in the bill has had the approval of the Chief and Board of Engineers of the War Department.

The bill as it passed the House was confined and limited to that character of project, and the Senate Committee on Commerce adopted the same rule and would not permit anything to go into the bill that did not have their approval.

Quite a number of surveys have been added. Of course, as you understand, they are added at the request of anybody who wants them, as a general proposition, as they involve little or no expense unless found to be meritorious.

Mr. SNELL. I understand that. What I had in mind was a statement with respect to these long amendments in the bill that have something to do with the administration of general matters. I think the House should understand just what you mean.

Mr. MANSFIELD. They are urgent matters, as I understand, and in the Senate report on the bill they are all described by letters from the War Department.

Mr. SNELL. I think the gentleman should take up these individual amendments and tell us briefly what is intended. For instance, there is an amendment on page 2, and I do not know whether that is an important amendment or not. It does not look very important.

Mr. MANSFIELD. The first amendment is on pages 1 and 2.

Mr. SNELL. There is another amendment on page 2.

Mr. MOTT. Mr. Speaker, will the gentleman yield for a preliminary question?

Mr. MANSFIELD. Yes.

Mr. MOTT. And that is as to whether any changes or alterations whatever in the jurisdiction of the Army engineers, as provided in the House bill, were made in the Senate?

Mr. MANSFIELD. None whatever. As to the first amendment, as we had the bill in the House, we embraced a provision which we had never heretofore embraced, by placing in the engineers of the War Department the function of planning. That we had never done before. That was thoroughly discussed in the Senate yesterday, and finally stricken out, and Senator COPELAND, in charge of the bill, finally accepted the amendment offered, and reinserted the same language that had heretofore appeared in all river and harbor bills.

Mr. SNELL. I thought the engineers always had charge of planning.

Mr. MANSFIELD. Not of planning. They report their plans to Congress.

Mr. SNELL. And who did have charge of planning?

Mr. MANSFIELD. Congress.

Mr. SNELL. But Congress did not do it individually. Some board did it for Congress.

Mr. MANSFIELD. We authorize the surveys, of course.

Mr. SNELL. And the Army engineers made those surveys?

Mr. MANSFIELD. Yes; and they reported the plans back to Congress, and in these river and harbor bills we adopt or reject them.

Mr. SNELL. Evidently the committee endeavored to do something else by its original language, and then went back to the old plan.

Mr. MANSFIELD. Yes.

Mr. SNELL. What was it that the committee tried to do?

Mr. MANSFIELD. There has been a good deal of talk about planning, and now we have the National Resources Board.

Mr. SNELL. How does this get rid of the National Resources Board, or give them more power?

Mr. MANSFIELD. It does not concern them in any way. They have never been recognized by Congress, as I understand.

Mr. SNELL. And you did not do it here?

Mr. MANSFIELD. No.

Mr. SNELL. The individual amendments where something is added do not amount to very much; but will the gentleman please start with amendment numbered 16 and tell us something about that and the amendments that follow—Nos. 16, 17, 18, and 19? There is where the real changes in law evidently begin.

Mr. MANSFIELD. Is that the Bonneville Dam?

Mr. TABER. Yes.

Mr. MANSFIELD. It became necessary there to relocate some railroads that were being submerged. This is what the War Department says:

When the construction of the Bonneville Dam was undertaken, it became necessary to relocate the railroads on each side of the river at the dam site and for several miles of stream to make way for the Government construction operations. This relocation was undertaken by the Department under agreements with the railroads concerned. These agreements contemplate exchange of the new trackage and right-of-way for a flowage easement over the old right-of-way of the railroads. The work has been accomplished, but a question has arisen as to the Secretary of War's authority to execute the necessary conveyances to complete the exchange.

This gives them that authority. They had to relocate these lines.

Mr. SNELL. That is all that is in No. 16?

Mr. MANSFIELD. Yes.

Mr. SNELL. What is No. 17?

Mr. MANSFIELD. The gentleman understands that the War Department has charge of the waterworks here. The district engineer in charge of the Washington district is also in charge of the maintenance and operation of the Washington Aqueduct. At present he occupies office space in the Navy Building at Washington. He has been requested to vacate this space to accommodate activities of the Navy Department.

After a thorough study of the requirements of the District engineer, taking into account the desirability of his office being situated near the McMillan Park Reservoir and the pumping works at those points, it is believed that the most satisfactory solution is to alter and remodel the pumping station built at the McMillan Park, at a cost of approximately \$100,000, to provide adequate space for the District engineer. They believe that that will be the cheapest and best way to remedy the matter.

Mr. SNELL. Tell us in general what these other amendments are.

Mr. MANSFIELD. Amendment No. 18 provides—

SEC. 4. That any amounts collected from any person, persons, or corporations as a reimbursement for lost, stolen, or damaged property, purchased in connection with river and harbor or flood control work prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers, whether collected in cash or by deduction from amounts otherwise due such person, persons, or corporations, hereafter shall be credited in each case to the appropriation that bore the cost of purchase, repair, or replacement of the lost, stolen, or damaged property.

Mr. SNELL. I do not think that amounts to very much.

Mr. MANSFIELD. No. I do not think that No. 19 amounts to much. It is something frequently done before in authorizing the Engineers to reemploy retired men who are experts in certain lines of work.

Mr. SNELL. No. 20 is relative to the Illinois waterway. That seems to be quite a long amendment.

Mr. MANSFIELD. The Illinois waterway extends through a large portion of the business section of the city of Chicago, and they have what they call the Sag Canal connecting with the Sanitary Canal. In this waterway there were certain local conditions requiring the local interests to relocate or reconstruction or reconstruct 20 highway bridges.

Mr. SNELL. But there is nothing in this amendment that will in any way affect the amount of water to be drawn out of this drainage canal?

Mr. MANSFIELD. No; it does not affect anything except what the engineers recommend in regard to the cost of local cooperation in the reconditioning of bridges; that is all. The other bill the gentleman probably has in mind has never been reported by the committee; it is pending.

Mr. TABER. Will the gentleman tell us about the amendment on page 17, authorizing certain matters in connection with the Nicaraguan canal? Why do we need to get into such a thing? It seems to me we could leave that out.

Mr. MANSFIELD. The Nicaraguan canal matter is in charge of our officers now. Colonel Sultan, who was here as one of the District Commissioners for many years, was located down there for several years. If that work is to be carried on, which Congress has already authorized, they say this will be absolutely necessary.

Mr. TABER. Could they not get along without it just as well?

Mr. MANSFIELD. I never have felt much interest in it myself. I do not know.

Mr. TABER. If we get into that, we are letting ourselves in for a big expenditure.

Mr. MANSFIELD. We are already in it.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. CULKIN. The House bill originally contained nothing that was not approved by the Army engineers.

Mr. MANSFIELD. Nothing whatever; neither does the Senate additions.

Mr. CULKIN. Is that true of the Senate amendments?

Mr. MANSFIELD. That is absolutely true of the Senate amendments.

Mr. CULKIN. They have not put anything in the bill that was not approved by the Army engineers?

Mr. MANSFIELD. For general information I may say that these project amendments were reported on after the bill had passed the House, and that is the reason they were not embraced in the bill originally.

Mr. CULKIN. But everything in the bill has been passed on favorably by the engineers of the Army?

Mr. MANSFIELD. Everything; and the Committee on Rivers and Harbors met this morning and approved these amendments.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. RICH. I have listened to the gentleman with great concern. I know he gives much attention to river and harbor matters. The gentleman is asking now to spend \$37,104,350. Has the chairman of the Committee on Rivers and Harbors given any thought to the question of where we are going to get the money to pay for these things?

Mr. MANSFIELD. We will put that up to the gentleman hereafter. There will be no expenditures this year. This is authorization for future appropriations.

Mr. RICH. This year they have spent more money than any session of Congress since the New Deal came into power. They have spent over \$13,000,000,000. Now, where are you going to get all this money? We are going in the red from \$2,000,000,000 to \$5,000,000,000 or \$6,000,000,000 a year. It is just about breaking the camel's back.

Mr. MANSFIELD. I want to compliment the gentleman from Pennsylvania for his efforts to reduce Government expenditures. I hope to lend him my assistance whenever possible.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LARRABEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a report from the Department of Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON RULES

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Without objection, it is so ordered. There was no objection.

DISABILITY PAY OF CERTAIN WORLD WAR OFFICERS

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following privileged resolution for printing under the rule:

House Resolution 521 (Rept. No. 2669)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8176, a bill providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

DISTRICT OF COLUMBIA AIRPORT

Mr. GREENWOOD, from the Committee on Rules, submitted the following privileged resolution for printing under the rule:

House Resolution 522 (Rept. No. 2670)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2838, an act to establish a public airport in the vicinity of the National Capital, and all points of order against said act are hereby waived. That after general debate, which shall be confined to the act and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

DEVELOPMENT OF ROTARY-WINGED AIRCRAFT

Mr. O'CONNOR, from the Committee on Rules, submitted the following privileged resolution for printing under the rule:

House Resolution 523 (Rept. No. 2671)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10605, a bill to authorize the appropriation of funds for the development of rotary-winged aircraft, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The Chair will recognize the gentleman from North Carolina [Mr. KERR].

CALL OF THE HOUSE

Mr. SNELL. Mr. Speaker, inasmuch as we have an important matter coming up for consideration, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 100]

Ashbrook	Dockweiler	Kelly, N. Y.	Quinn
Atkinson	Doughton	Kennedy, N. Y.	Randolph
Barden	Douglas	Kleberg	Reed, N. Y.
Binderup	Drewry, Va.	Kopplemann	Richards
Boehne	Eicher	Lea	Sabath
Brewster	Elliott	Lemke	Sadowski
Buck	Evans	McAndrews	Scrugham
Buckley, N. Y.	Fish	McClellan	Smith, Okla.
Bulwinkle	Fitzgerald	McGranery	Smith, Va.
Byrne	Fitzpatrick	McGroarty	South
Caldwell	Fries, Ill.	McMillan	Stack
Cannon, Wis.	Gambrill, Md.	Mahon, Tex.	Starnes
Champion	Gasque	Mead	Steagall
Citron	Gilchrist	Mitchell, Tenn.	Summers, Tex.
Clark, Idaho	Gray, Pa.	Mouton	Taylor, Colo.
Clark, N. C.	Green	Norton	Thurston
Cochran	Griswold	O'Connor, Mont.	Tolan
Coffee, Nebr.	Harter	O'Day	Wearin
Cole, Md.	Hartley	O'Leary	Weaver
Costello	Hennings	Owen	Whelchel
Curley	Hook	Parsons	White, Idaho
Deen	Hunter	Patterson	Wood
Disney	Imhoff	Pettengill	
Ditter	Keller	Pierce	

The SPEAKER. Three hundred and thirty-five Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, in connection with the conference report on the bill H. R. 1531, a great many Members have asked me about the procedure to be followed if that conference report is adopted by the Congress. I have a letter written to me by the Chairman of the Civil Service Commission which explains the procedure that will be followed should the conference report be adopted and the act become law.

The letter is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 9, 1938.

HON. ROBERT RAMSPECK,
Chairman, Committee on the Civil Service,
House of Representatives.

DEAR Mr. RAMSPECK: In response to your telephone inquiry, I would advise you that if the Congress approves the conferees' report on H. R. 1531, relating to positions of Presidential postmaster as quoted on page 10981 of the CONGRESSIONAL RECORD of June 7, 1938, the regular provisions of the civil-service rules would apply whereby the names of the highest three eligibles would be certified.

There would be no change in the procedure the Commission has followed under all Executive orders relating to these positions of certifying through the office of the Postmaster General to the President.

Your third inquiry may be answered by the statement that this bill, if it becomes law, would supersede the Executive order of July 20, 1936, and there would be a reexamination in every case where an examination has already been held but no appointment made, provided, of course, the position was not filled by the reappointment of the incumbent or by the promotion of a classified employee from within the Postal Service.

The normal construction of the first part of section 2 of H. R. 1531, as recommended by the conferees, namely, "appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, non-competitively, of the incumbent postmaster, * * *" would be to authorize such reappointment upon a showing that the incumbent postmaster possessed the requisite qualifications for retention in the classified service. This would involve principally the consideration of his record during the period of his service as postmaster.

Very sincerely yours,

HARRY B. MITCHELL, President.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein the letter from the President of the Civil Service Commission.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I delivered on June 6 at Mississippi College.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONTESTED ELECTION CASE OF ALPHONSE ROY V. ARTHUR B. JENKS

Mr. KERR. Mr. Speaker, I call up House Resolution 482. The Clerk read the resolution, as follows:

House Resolution 482

Resolved, That Arthur B. Jenks is not entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire; and be it further

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

Mr. KERR. Mr. Speaker, I ask unanimous consent that general debate on this resolution may continue for 3 hours, one-half of the time to be in the control of the gentleman from Massachusetts [Mr. GIFFORD], and one-half by myself, at the end of which time the previous question shall be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KERR. Mr. Speaker, I should regret very much if any Member of this House thought for a moment that the majority's conception of this case was prompted by any political motives or by any political prejudice. This committee has no such record, Mr. Speaker, and when you turn back the pages of history to learn something about this committee and the Members of the House who have served on the committee, you will see that it well deserves its reputation for fairness and nonpartisanship. I think it may be said that this committee has been fair and just and has never been governed by political prejudice when a matter of the contest for a seat in this House was involved.

This committee has been assigned for 15 years to try every contested election case which had to be determined by a vote of the House in those years. There once served on this committee such men as Macon, Clay, Filmore, Blackburn; in more recent years, De Armond, Mann, Dalzell, Crisp, and Kitchin, and within the recollection of some of us who are here now, those great lawyers and fine fellows, several of them being dead now, who served with distinction and credit on this committee in recent years. I refer to John Fredericks, of California; Dick Elliott, who is present Comptroller General of the United States; Judge Sears, of Nebraska; Federal Judge John McDuffie, of Alabama; Quinn Williams, of Texas; Federal Judge Hartsell Ragan; and Randolph Perkins. It may not be out of place for me to make this observation. In the time I have served here, in my opinion, no better lawyer was ever in this House than our late lamented friend Randolph Perkins.

I want to take a few moments to state as succinctly as I can the facts involved in this contest. I am sure I will stand on safe ground and shall quote nothing except which the record will bear out.

At the general election held on the 3d day of November 1936, in the First Congressional District of New Hampshire, a district in which there were 129 precincts, the election officers who held the election certified that Mr. Arthur B. Jenks had received 51,920 votes and that Mr. Alphonse Roy had received 51,370 votes, making a majority, based upon the returns of the election officers, of 550 votes in favor of the contestee in this case, Mr. Jenks.

Under the statute of the State of New Hampshire it is mandatory when either candidate desires to have a recount by the secretary of state to request the secretary of state to make the recount and he has no other alternative than to make the recount. Immediately Mr. Roy asked for a recount by the secretary of state, who was constituted un-

der the law to make the recount. He could not deny an application for a recount.

Upon a recount before the secretary of state at which all the interested parties were present, including the attorneys for both the contestant and the contestee and anybody else who wanted to be there, the secretary of state found that Mr. Jenks had lost 241 votes and that Mr. Roy had gained 309 votes. This finding changed the result by 550 votes, and there then was a tie between the gentlemen, both of them receiving 51,679 votes. The only thing to do then was to do what the law required, so both parties, Mr. Jenks and Mr. Roy, petitioned the Ballot Law Commission of the State of New Hampshire to recount the votes. Everybody wanted it done. It may be assumed, and I believe the parties interested hoped, that the recount would determine who was really elected to Congress. The statute provided that this recount and the determination of the ballot law commission should be final in respect of who was elected.

When this matter came up before the Ballot Law Commission of the State of New Hampshire, it appeared to the commission that the count of the secretary of state had been so complete and apparently so well done that the commission sought to find out how many votes were contested. It was determined there and then by both parties that the count was all right except as to 108 ballots which had been contested in the count before the secretary of state, and these ballots the commission decided to recount and these only, and accept as correct the count of the secretary of state in respect to all the other ballots cast in the district. In other words, when this matter was brought to the ballot law commission for a first hearing, a few days after the count was made by the secretary of state, it was admitted by all parties that there were in controversy in that recount only 108 votes.

Let me read you the record in respect of the finding of the ballot law commission with regard to the votes when this count was made. This is found on pages 81 and 82 of the record in this case.

It appearing that both the contestants were represented by competent counsel at the recount of ballots by the secretary of state and that the count of the secretary of state was not questioned by either contestant except as to relatively few ballots, and that upon each protest of his count of a ballot the secretary of state thereupon attached to the protested ballot a memorandum showing how it was counted by him and by whom his count was protested, it appears unreasonable to the commission at this time to undertake to reinspect and recount all of the ballots cast.

The commission therefore rules that at the hearing upon the merits of the petitions of Mr. Roy and Mr. Jenks now pending, it will accept the count of ballots made by the secretary of state at the recount except only as to such ballots as were protested at the recount by one or the other contestant, and the hearing will be limited to consideration of the ballots so protested.

The ballot-law commission took these 108 votes and gave to each contestant his number of the votes.

When the commission had recounted the votes, this is the report it made:

That of the ballots cast for Representative in Congress for the First Congressional District on the 3d day of November 1936, Mr. Roy received 51,695, Mr. Jenks received 51,678, and Mr. Roy having the highest number of ballots cast was duly elected.

The commission, therefore, finds and rules that Alphonse Roy having received the largest number of votes at the biennial election November 3, 1936, for Representative in Congress from the First New Hampshire District, he is hereby declared to have been duly elected to that office and entitled to a certificate of election.

This was the finding made by this final tribunal, which had a right to determine how many votes were cast in that election for the contestant and the contestee in this action.

I want you to remember that 10 days had elapsed after that finding and the order that the certificate be turned over to Roy when the contestee in this action, Mr. Jenks, notified the Governor not to issue the certificate, stating that he had found he had received 34 votes in Newton precinct that had not been counted for him. Remember that when this vote was counted by the secretary of state no question was raised before him of 34 votes being cast in Newton precinct for Mr.

Jenks that he did not get. When these ballots were counted a second time by the Ballot Law Commission of New Hampshire, no question was raised about the 34 votes.

All the ballots were there, and no one contended that Mr. Jenks had received 34 more votes in Newton precinct than the ballots disclosed, both parties and their representatives were present, and no such contention was made by anyone.

Listen to this: The Governor's Council of State, the then Governor being the present United States Senator from New Hampshire, turned this matter over, pursuant to the request of Mr. Jenks, to the ballot-box commission again to see what they could do with it. The commission had found that Roy had received in that election a majority of 17 votes and asked that a certificate be given him. At the suggestion of the Governor they again took this matter up and for 3 days the members of that ballot-box commission, according to the record, turned the matter over in their minds and tried to find out something about these 34 ballots. They were not in the box. They had never been there and, according to this record, it was impossible for anybody to take them out. They discussed the matter in order to determine whether or not they should count them and, finally, decided they would not decide the matter as to these alleged missing ballots. I take it this was their conclusion. This commission was not a Democratic commission. This commission had two Republicans and one Democrat on it, and they would not find then that the 34 ballots were cast, which was the only question before them at this time, but rather—they decided that they would themselves recount all the ballots cast in the district for the respective candidates.

So what did they do? They called the same crowd together again, Mr. Jenks and his attorneys, Mr. Roy and his attorneys, and anybody that wanted to look on, and for 3 days they counted these ballots, and after they counted the ballots they determined that Roy was entitled to seven more votes than the commission had given him heretofore, and increased his majority from 17 to 24.

Then, when they found that the ballots could not elect Jenks—you listen to this, gentlemen of the House—they decided that there were 34 votes put in this ballot box at Newton that were never counted for him. They want this House to believe that all these 34 ballots were cast for Mr. Jenks and they want this House to guess who took them out, and they have offered not one scintilla of evidence with respect to either one of these questions, and they are coming here and asking you to make a guess about it and let Mr. Jenks retain his seat in this House based on pure speculation and a guess.

I take it we want to do the proper thing. I think we are not involved in any political matter here at all and therefore they will not be able to do that.

Let me now talk for a minute or two about these 129 precincts and some of the election officers; and, mind you, the election officers in the town of Newton consisted of two Democrats and seven Republicans, who were looking after that vote.

If you forget everything else I say here, I want to write indelibly upon your recollection this fact. These votes were never left one minute in the custody of a Democrat. They were left, first, in the custody of the town clerk of Newton, who was a Republican. Then they were left in the custody of the secretary of state, who was a Republican. They had them and every single officer, or judge of election, or any other person who had his hands on them, or knew about them, states that they were held inviolate, and that all the ballots cast were put in receptacles and were taken out and counted the several times they were required to count them, and there was no appearance whatsoever which indicated that any of them had been molested in the least.

When the precinct votes were counted by the secretary of state of the 129 precincts in this congressional district there were mistakes and discrepancies in 114 of them. When they checked the vote—when the ballot-box commission and the secretary of state checked the vote—they found that the

election officers in that district had made mistakes in 114 of the election precincts out of a total of 129.

Mr. DINGELL. In favor of whom?

Mr. KERR. I have just said whom they were in favor of when I said that Mr. Roy got enough votes to have the ballot-law commission declare he was elected.

There is another thing I think is significant that I want to call to your attention, and I want this House to remember this. There were two women running for Congress in this district. There were four candidates altogether for Congress.

These precinct election officers returned that Alice Flynn and Annie Rudd received 529 votes, one running on the Labor ticket and the other on the Farmer-Labor ticket, I think, when in fact when they were counted from the ballot box they received 972 votes. In other words, when you come to consider the votes for these women, they gave them just about one-half of what were cast for them. Yet they ask you to seat the contestee on a record of that kind, made by the election officers in this district, which record was not confirmed by the ballots placed in the ballot box by the voters.

I think I have stated the facts about this election. This is the first time in the history of this Government that a Congressman was ever attempted to be seated on a tally sheet. The ballots do not verify the tally sheets. Their integrity has not been impeached. They were kept inviolate and kept by a Republican, and yet they come in here and say you ought to ignore the ballot box, you ought to ignore the fact that they, the friends of the contestee, had the ballots; that you ought to ignore everything and seat the contestee because they have a tally sheet in one precinct which shows that he got more votes than were counted from the ballot box. Is not that remarkable? That would be ridiculous if it were not so serious. And I think most of the membership of the House feel that way about it. These ballots were put in the ballot box by the friends of the contestee [Mr. Jenks]. They were taken out of the ballot box by the friends of Mr. Jenks. They were kept in the custody of friends of Mr. Jenks, and yet they say they want this House to believe that there were 34 votes put in there for Jenks that were not counted for him, and they want us to find they were his votes, and they want us to say that somebody took them out. That is the proposition. There has never been one single solitary iota of evidence to impeach the integrity of these ballots. What did the committee do? It examined every one of the poll holders in Newton precinct. The thing narrows itself down to a question of whether he really got 34 votes or did not in Newton Township. They asked every election officer who held the polls in Newton precinct, What did you do about it? They said they counted the ballots out, and they say, every one of them, that they took every ballot that was counted in Newton precinct and put it into a container and signed and sealed it and sent them to the secretary of state, where they ought to have gone.

Not one of them says that every ballot cast was not put into the container but asserts that they were. Then what did the secretary of state do? He had every box from the district examined as it came into his office and checked every one of these containers. He looked at the Newton precinct. It was intact. It was signed and sealed and in proper condition. No one has ever contended otherwise.

There is some rule of law that covers these cases, and to that I shall call attention for a moment or two. It has been universally held, and has never been held otherwise, that the best evidence always as to how many ballots were cast are the ballots themselves, when they have been kept inviolate. There is not a witness that ever came before any hearing in respect to this matter who ever impeached at any time the fact that these ballots were held inviolate. The counsel for the contestee says that nothing happened to them when the secretary of state had them, and I have quoted both of them in this brief. There are the election officers who took the ballots and put them into the box, and they said nothing happened to them in Newton. That is

the evidence on the question. There is not a scintilla of evidence here that these ballots were ever kept anywhere by anyone that was hostile to this contestee, Mr. Jenks. I repeat that on all occasions they have always been in the keeping of people who were friends or presumed to be friends of the contestee.

This principle of law has been established in this House, and it has been established in every court of common jurisdiction in this Nation. It was held in Butler against Leham, when a case of this kind arose in the Thirty-seventh Congress, that where the ballot boxes were produced by the official custodians, sealed, and in the same apparent condition as when deposited with them, then under these circumstances the burden of proof that they had been tampered with is upon the contestee.

It was intimated here the last time this matter was debated that the burden of proof is upon the contestant but that is not so. Under the circumstances related the burden shifted to the contestee. There was no proof in this case to render it probable that they had been tampered with. Further quoting from the opinion in the case:

There was no proof in this case to render it probable. The contestee called the election officers to swear that their returns were correct, but in the opinion of the committee this testimony neither impairs the case of the contestant nor strengthens that of the respondents. Officers who had declared upon their official oaths that the returns made by them were true would not be likely to come into court afterward and swear that they were false. It was not necessary to determine whether the incorrectness of the returns was due to fraud or mistake; the committee was convinced that the recount represented the true state of the vote.

That is what this Congress has said. It has said it time and again, and it is not necessary for me to quote but one other authority, and that is to quote Payne on Elections.

In this he says that when the statute expressly provides for the preservation of the ballots by a particular officer or for the specific purpose of determining the right to public office the ballots are the highest and best evidence for that purpose and, if preserved as the law required, are the only conclusive evidence of the result of the election. The certified statement and declaration of the officer of election are only prima facie evidence. That is what the able writer has said. That is what this Congress has said; and if you had time to read the case of Haley against Reidelverger, if you had time to read the case of Roberts against Drake, and if you had time to read the case of Srum against Slankard, and many other cases from almost every State of the Union, you would find that it has been always held that when the ballots are preserved inviolate they are to be accepted and are to determine the election.

This House, Mr. Speaker, was exceedingly kind to the contestee in this election. It did him an unusual favor and offered him an unusual opportunity to prove that he received 34 votes that were not counted for him. When it sent this committee to Newton, N. H., to procure evidence which would throw some light upon this contest, I was unfortunately unable to be present myself. I was sick and had to go home. Six or seven members of the committee were present. When they went up to Newton in pursuance to a resolution of this House to get evidence and to determine who was fairly elected and who was entitled to a seat in this body, what did my friends, the Republican Members, do in respect to it? They denied the right of the committee to ask these voters who came there how they voted. Most of them said they voted, and that was all they were allowed to state. Three did say they did not. I will not discuss that, for other Members who went up there will discuss it. They denied the Democratic members of this committee who were present the right to ask these citizens whether they voted for Congressmen or not and for what Congressman they did vote. This was the very question this Congress wanted to know.

Mr. Speaker, this matter could have been cleared up if these gentlemen had gone up there at that time, called the voters, taken a pencil, and as they were called up asked whom

they voted for and counted them. They had volunteered to come there. They were not ordered there by the mandate of a court. You could ask them any question you wanted; and I assert that those who were interested in the gentleman from New Hampshire, Mr. Jenks, could have cleared this matter up by asking these people whom they voted for; but they were not allowed to ask any question except: "Did you vote?" Why! Sixty-two of them did not vote for either Congressman.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. KERR. I yield.

Mr. BIERMANN. On the recount there were 98 who did not vote.

Mr. KERR. Yes, the difference was 98. Ninety-eight people did not vote for either Congressman; yet they want us to take a guess and say there were 34 votes put in there, take a guess and say they were all put in there for Jenks; take a guess and say who took them out. That is what they want us to do. It is ridiculous on the face of it.

Mr. Speaker, they would not allow us to ask how they voted. I was not there, but members of the committee who were there can and will throw some light on this subject; but to show you how far they went, they did not even dare let us ask even the Democratic moderator at the town election whom he voted for.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. KERR. I yield.

Mr. DINGELL. Why did not the majority of the committee insist that the House mandated the gentleman's committee to find that out? I voted to recommit the resolution at the last session in order to determine that. That is the information I sought. The majority of the committee should have insisted, should have overridden the minority.

Mr. KERR. The Democratic members of the committee were not in the majority for the simple reason that one of the members voted with the Republicans in respect to whether this question could be asked.

Mr. WADSWORTH. The gentleman wants to be correct, I know. There were two Democratic members who voted with the Republicans.

Mr. KERR. Two?

Mr. WADSWORTH. Yes.

Mr. CRAVENS. The statement of the gentleman from New York needs explanation.

Mr. KERR. The gentleman from Arkansas will be able to take care of that situation.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. KERR. I do not care to yield further. I have taken more time than I intended. Mr. Speaker, I have tried to submit this case fairly, I have stated the facts borne out by the evidence, and the rule of law long held to apply in such cases. [Applause.]

The SPEAKER. The gentleman from North Carolina has consumed 33 minutes.

Mr. GIFFORD. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to state that the issue in this case is very simple and plainly understood. On August 19 of last year this matter was so thoroughly discussed that there was but one issue left to be decided in the mind of anyone. I read to you the words of the chairman of the committee himself on that date:

Before the argument on this case is closed, you will find that the decision in this election contest will be determined on a matter of 34 votes which the contestee received in Newton precinct.

That is the issue, stripped of any other confusing arguments and should be kept in mind as the real solution to be sought by this House.

A motion was made and carried by the House, which reads as follows:

That this resolution be recommitted to the committee; that the committee be and is hereby authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 3, 1936; and such further testi-

mony as the committee may consider relevant to better enable it to determine the issue raised by this case.

Mr. Speaker, there the matter rested. The chairman states that he was taken ill and could not go to Newton, which was very unfortunate; however, seven members of the committee promptly proceeded to carry out the instructions of the House.

The gentleman from New York [Mr. O'CONNOR] in closing the debate on August 19, 1937, declared:

Everybody knows what happens in small election districts. The election officials vote many persons who never go to the polls, but few will admit they did not go.

I refer to this because I do not want during the last minute in debate here today any statements of such prejudicial nature injected into this discussion. The last speaker on this subject today might indulge in such and we must forestall that sort of argument by an appeal to fairness and reason.

Let me read another injection by the same speaker at that time.

Surely no one on this side of the aisle who is a real Democrat could lend himself as a tool to the partisan, conscienceless Republican minority.

What an unfair, ridiculous statement. The chairman of our committee has just told you that contests before his committee have been settled without prejudice or partisanship. Our committee has proceeded in that manner heretofore. But, Mr. Speaker, I have been astounded at the attitude displayed from the beginning in this case. Outside influences seemed to be permeating, designed to affect the decision. It was indeed disturbing that such influences were openly at work and recognized. I do hope that prejudice will not enter into this case, but very adroitly the previous speaker has led you back over the whole proceedings from the beginning and seemed rather to avoid the real and only issue to be considered. We acknowledge practically all the historical events he recited. As he stated, Mr. Jenks was at first elected by 550 votes. At the recount there were found discrepancies and errors in many precincts. But the ballots were always there to determine, explain, and correct the discrepancies by comparisons and investigation.

Mr. CRAVENS. That included the township of Newton?

Mr. GIFFORD. That included the township of Newton, but the missing votes of Newton were not available for such determinations.

Mr. DINGELL. The seal was not broken?

Mr. GIFFORD. That matter will be discussed later.

Mr. DINGELL. Was the seal broken?

Mr. GIFFORD. The seal was not kept, according to the law of New Hampshire.

Mr. NICHOLS. That is not so.

Mr. GIFFORD. I decline to yield. I am here for a brief few minutes to open this case in a general way and will be followed by the gentleman from New York [Mr. WADSWORTH] who has been assigned this particular portion of the argument.

I read from a statement made by the gentleman from North Carolina last year:

In the consideration of the case a majority of the committee recognizes that this House has all the functions of a court of law and we want to make secure the intention of the voters.

He comes before you this afternoon and tries even to disfranchise voters. He is not only unwilling to consider the intent of the voters of that town, but he desires to disfranchise many of the voters. He stated to you that the ballot boxes in Newton had never been impeached. Why, Mr. Speaker, nine sworn election officers certified that 458 actual votes were deposited in the box and that it was sealed by them. There was sworn evidence that the ballots were placed in that box. The gentleman actually declared that the 34 lost ballots were never in the box, did he not?

If you were entrusted with a thousand dollars of my money and nine persons saw that money put into a package, signed, sealed, and delivered, certainly when the package is opened

and \$100 is missing, you would be expected to produce that \$100, to which I would plainly be entitled.

Mr. Speaker, we dislike to make suggestions that might arouse prejudice in the minds of any Members. But the opportunity for tampering with those boxes existed. Read the minority report made last year. We called the secretary of state before us in Newton, and he told us that two officials and several janitors had keys to the vault where the ballots were deposited. It was stated further that at the recount the boxes were hurriedly brought in, dumped on tables, and seals and wrapping removed, without particularly noticing the condition of the boxes. Then, in spite of the law of New Hampshire, the seal was not preserved for investigation. Many word pictures have been drawn of the proceedings at these recounts. Orderly procedure may exist in North Carolina where less than 40,000 might be counted. But here 103,000 ballots were dumped on these tables amid much confusion.

Mr. PHILLIPS. Will the gentleman yield for a brief question?

Mr. GIFFORD. I cannot yield.

The counters had been working up to midnight the night before on another recount, and must have been very weary before the final count in this case was concluded. At the time the Newton ballots were being counted, practically all the counters were out to supper, leaving behind only those who were counting those particular ballots. The officials were off duty at that moment.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from North Dakota.

Mr. BURDICK. The certificate of the officer showed how many ballots in the box?

Mr. GIFFORD. There were 34 missing, 34 less than certified by the election officials of that town.

Mr. BURDICK. When the ballots were opened and recounted by the officials there were missing ballots?

Mr. GIFFORD. They were always missing during or at the first recount.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. Are the 34 ballots the question at issue?

Mr. GIFFORD. Entirely. That is the whole question.

Mr. PHILLIPS. What testimony has shown that those 34 ballots which the gentleman says were cast were cast for Mr. Jenks?

Mr. GIFFORD. The sworn returns of nine election officers. When a voter came into the enclosure he first gave his name. He was recognized and checked by the inspectors, one Republican and one Democrat.

Mr. PHILLIPS. Yes; but my question is, What testimony is there that those 34 ballots were cast for Mr. Jenks?

Mr. GIFFORD. I repeat, by the sworn returns of the sworn election officers, which return must be accepted in lieu of the missing ballots.

Mr. PHILLIPS. That shows only that these people voted, not that they voted for Mr. Jenks.

Mr. GIFFORD. No; those returns showed that there were 196 votes for Mr. Jenks and 100 for Mr. Roy. They found Mr. Roy's 100 at the recount, but 34 votes that were cast for Mr. Jenks were missing. This is now fully understood, I am sure. We acknowledged the historical facts as presented, but take exception to such statements that the ballots were never in the box, after being certified by those sworn officials. The ballots were counted and placed in piles of 25. If one package of 25 had been missing, a little imagination might possibly be indulged in.

I desire to draw to your attention the fact that this case was fully debated last August, and that the only issue is the missing 34 Newton votes. The chairman of this committee impeaches the action of his own members who went to Newton. He even says we should have asked them "how" they voted. Did you instruct us to do that? That would have

been a violation of the secrecy of the ballot and of course we should not have asked a citizen how he voted. We were to determine only that 458 ballots were cast. It was agreed by the committee that we should not inquire for whom they voted. The 458 persons whose names were on the check list as having voted, were fully accounted for. As to the nine people who were deceased, the gentleman's own committee joined with the minority in deciding that if two persons would swear they saw them deposit their ballots, such testimony would be sufficient. Those nine were easily accounted for by that method. The sick people were interviewed and sworn by members of our committee.

Of course, we thought the committee were fully satisfied with the results of our investigation at Newton. But after 8 months, when this session was nearly over, to our utter amazement we of the minority were notified that this visit amounted to nothing in the minds of the majority, and that the whole case was to be brought up again and an attempt made to unseat Mr. Jenks, whom the State of New Hampshire, after long and full consideration, had determined to be elected, even by unanimous vote of the ballot-law commission, consisting of two Republicans and one Democrat. I hope the attempt to overturn the final decision of the State of New Hampshire will not prevail.

I am extremely grateful for the fairness exhibited by the Members of the House in this whole matter up to the present time. [Applause.]

Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. BOILEAU. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER pro tempore (Mr. PATMAN). The Chair will count. [After counting.] Two hundred and twenty Members are present, a quorum.

Mr. WADSWORTH. Mr. Speaker, I need not remind the Members of the House that this is a very unusual and extraordinary, as well as interesting case. I am not a veteran of this body, and my examination of the cases of the past has not been very extensive, but I doubt if there has ever been one on all fours with this one.

The chairman of the committee has recited accurately the story of the various recounts, beginning in the secretary of state's office, and also the examination into the case made by the Ballot Law Commission of New Hampshire, its examination of the 108 contested ballots, its final recount of the whole situation, with its decision, as at first rendered, that Mr. Roy had been elected by 17 votes. I think he has rather attempted to persuade you it was by intention that the situation at Newton was brought to the attention of the ballot law commission or the Governor and his council very late in the proceedings. It is true attention was brought to it late, and this is the reason: A man named Estabrook in the town of Newton, reading of the proceedings at Concord and looking over a summation of the returns from the various precincts in this congressional district, noticed that Newton was credited only with having had 424 ballots in its box, and he remembered that 458 people had voted in Newton. So, if my recollection is correct, he telephoned either to Mr. Jenks or one of his representatives that there was something wrong about that Newton figure; and the ballot law commission, on the request of the Governor, decided to reopen the case insofar as Newton was concerned. In doing so the commission got the records from the Newton election district with the check list and the tally sheet, and made up its mind that these records were so well kept, including the check lists and the tally sheet, together with other evidence, as to support their final conclusion that 34 ballots actually were missing out of the Newton box somehow—no one has ever said exactly how—and upon that basis and in all good faith they received their opinion unanimously and declared that Mr. Jenks had been elected by 10 majority.

Now, this brings it to the House of Representatives, first to the committee and then to the House, with this question of the 34 missing ballots.

Let me trace briefly, if I can, what happened in this connection. Under the law of New Hampshire it is the duty of the secretary of state to send to every precinct in the State a certain number of days before election a number of ballots sufficient for the carrying on of the election, and the number is fixed by law. Seven hundred and twenty ballots were sent to Newton by the secretary of state. This is in the sworn testimony, and the sworn testimony shows that 720 ballots were received at Newton by the town clerk, Mrs. Hayford. Under the law, at the conclusion of the election, the count having been completed by the election officers at Newton, it was the duty of those officers to put into that ballot box not only the used ballots but the spoiled and unused ballots; in fact, all the ballots that had been sent to Newton must be sent back to Concord. They swore that they put in the 720. When the ballot box was opened at Concord there were only 686—34 ballots missing. Now, this is substantiating evidence that 34 ballots disappeared. It is not conclusive evidence.

Now, as to the question asked by the gentleman from Connecticut [Mr. PHILLIPS], the returns from the town of Newton as announced by the election board gave Jenks 296 votes and gave Roy 100 votes. When the box was opened at Concord and recounted, Roy still had his 100 votes and Jenks had 262—34 votes were lost by Jenks. No one on the Democratic ticket lost a single vote. Roy did not lose a vote in that recount. Not only did Jenks lose 34 votes, but all other Republican candidates on the ticket running in that town lost 34, 33, or 32.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield there?

Mr. WADSWORTH. I yield.

Mr. PHILLIPS. In other words, putting it another way, as I get the picture from the gentleman who has just spoken, all these ballots were put into a box, as the gentleman has just outlined, and there was a tally of the votes given to Jenks and a tally of the votes given to Roy.

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. And that tally was sent to a higher authority in the State?

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. And then the ballots were put in a box and the box was sealed and sent to Concord?

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. And when the box was opened the ballots did not check with the tally?

Mr. WADSWORTH. They did not, they were 34 short, and the whole shortness was at Jenks' expense.

Mr. PHILLIPS. May I ask just one other question? It is not quite clear to me now why with other irregularities in other towns, you are centering on Newton.

Mr. WADSWORTH. The discrepancy in Newton is the only discrepancy that stands out at all. The House of Representatives decided by vote here last August that this whole thing rested upon the Newton situation.

Mr. LAMNECK. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. LAMNECK. I agree with the gentleman that this whole proposition centers around the situation at Newton.

Mr. WADSWORTH. Yes.

Mr. LAMNECK. There were 458 votes cast. The tally sheet shows that.

Mr. WADSWORTH. Yes.

Mr. LAMNECK. And when this committee of ours went to Newton they found that the same number of people voted that the tally sheet showed.

Mr. WADSWORTH. Yes. I shall come to that now.

Mr. PHILLIPS. Just one other question.

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. Did both contestants agree to forget everything but the town of Newton?

Mr. WADSWORTH. Oh, no, Mr. Roy's attorney never agreed to that, but the House of Representatives settled that. The committee went to Newton under the order of the House to find out how many people voted in Newton—not

how they voted. The tally sheet showed how they voted, if we could demonstrate they voted, in accordance with the number on the check list.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I shall probably reach the gentleman's question. Seven of the committee went to Newton. The chairman, as he said, did not go. Neither did Mr. THOMAS of Texas. Mr. CRAVENS acted as the chairman of the committee. We got there on Wednesday, four of us. They were Mr. MOSIER of Ohio, Mr. BEITER, Mr. WOLVERTON, and myself. We arrived at Manchester and hurried to Newton, which is 40 miles away. We found this little New England village. We located the town officials and told them that the full committee would meet the next day and to go to work and send for all of the voters in Newton who were on that check list. They offered to cooperate, and they did so with extraordinary cheerfulness and effectiveness. We sent out notices and got our postal notices into three or four rural post offices that night, to notify all of the qualified voters of Newton that the committee had arrived as the result of the order of the House of Representatives to find out whether or not they had voted. They came in automobiles and on foot. They were willing to testify. I have never seen a more cheerful cooperation, and, incidentally, I think I am not wrong in saying that perhaps they rather entertained the feeling that we had come up there to find whether they knew how to run an election honestly. Little old ladies would get on the stand and on being asked whether they were present on November 3, 1936, and "Did you vote?" would turn and reply, "I suddenly did." On Thursday, Friday, Saturday, and the following Monday men and women took the stand, took the oath, and swore that he or she had voted on November 3, 1936. Four hundred and thirty-six of them appeared in person. The chairman of the committee says that the ballot box at Concord has not been impeached. There were 424 ballots in the box at Concord. When we found the four hundred and twenty-fifth voter in Newton, that ballot box was impeached. Four hundred and thirty-six appeared in person. Nine had died. As has been said, the committee agreed unanimously that if two persons would testify under oath as to each one of the deceased, that they had seen that person vote, we would accept that as conclusive testimony. Four hundred and thirty-six plus nine makes four hundred and forty-five. Six persons were so ill they could not come. Mr. MOSIER of Ohio and I were named a subcommittee to visit them at their bedsides with a notary public and put them under oath and have them sign an affidavit that they had voted. That makes 451. On Monday, when the proceedings ended, seven persons had still not appeared. They were so far away they could not be reached, and it was agreed by the committee that instead of waiting around to find the remaining seven, a subcommittee of two or three would be appointed to reach them sometime before the Congress convened in extra session.

That committee was appointed, but it never served. The gentleman from Oklahoma [Mr. NICHOLS] was its chairman, but for some reason or other the committee did not call on those seven persons at that time. Now we have gone up to 451. Your ballot box is impeached. However, when the minority members of this committee ascertained last April—and mind you all of these months had gone by—that the majority was insistent upon unseating Mr. Jenks, it was then agreed that two persons of the committee would go back to New Hampshire and try to find those seven absent people.

The gentleman from New Jersey [Mr. WOLVERTON] went, and the gentleman from New York [Mr. BEITER] intended to go but at the last moment found it impossible; but the gentleman from New Jersey had departed. Mr. WOLVERTON found a notary public and traced down all seven of those people and got sworn affidavits that they had voted. This made the 458. There can be no collusion in it. These people all knew each other. You cannot fool one of them in Newton. The committee accomplished the task that the House of Representatives set it to do.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. BIERMANN. There is nothing in the resolution this Congress adopted at the last session, and for which I voted, that restricted this committee merely to finding out how many votes were cast. According to the gentleman's statement, while 296 votes were cast for Jenks and 100 for Roy on the official returns, that leaves a balance of 62 votes unaccounted for by the second recount, and the ballot box shows that there were 96 votes unaccounted for; that is, I mean to say that none of them voted for either candidate for Congress; 62 in one instance and 96 in the second instance. What I want to know is why the committee assumed that none of those 96, none of those 62, could have possibly been for Mr. Jenks. They assume that if there is any discrepancy every single vote was for Mr. Jenks?

Mr. WADSWORTH. Because it was Jenks alone who lost 34 votes. Nobody else lost 34 votes, none of his opponents.

Mr. BIERMANN. How could the gentleman assume that none of these 62 could not have accounted for some of the 34?

Mr. WADSWORTH. Perhaps they did, no one can tell. We know, however, that Jenks had 296 on those returns and that Roy had 100 and that on the recount Roy still had his 100 and Jenks lost 34. So if ballots were taken from that box, obviously they were Jenks' ballots.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. McKEOUGH. After the counting, how many of the Democratic representatives of the election board signed the tally sheets showing Mr. Jenks got 296?

Mr. WADSWORTH. I do not remember, but I do know that the law was strictly adhered to and that it was subscribed by all the members of the election board.

Mr. McKEOUGH. All of them subscribed?

Mr. WADSWORTH. Nine of them, Democrats and Republicans swore to it.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. KITCHENS. Let us admit—and it appears that 458 ballots were placed in the box—that everything was honest, that there was no conspiracy, no fraud, that everybody acted honestly in this matter. These ballots were sent to the secretary of state. There was a great, large number of ballots from 14 different counties. The attorney for the contestant and the attorney for the contestee were there, they were examining these boxes to see that they were intact, to see that the seals had not been broken. Those ballots were all placed along those tables. Suppose that the 34 ballots to which the gentleman refers became mixed with some of the other ballots. The secretary of state, Mr. Fuller, says that if those 34 ballots did become separated there in that large number of ballots along those tables, that those 34 ballots were counted for Mr. Jenks already. What does the gentleman say about that?

Mr. WADSWORTH. We had no such testimony that I recollect.

Mr. KITCHENS. Mr. Fuller said that if they became separated there at those tables that then those ballots must have been counted for Mr. Jenks along with the others.

Mr. WADSWORTH. The gentleman is assuming something that has not been proved or even suggested seriously to our committee. All I can say about the ballot box is this: It is a fact that eight people had keys to the storeroom in which the ballot boxes were kept. It further is the fact that after counting all day the counters, the people counting under the direction of the secretary of state, adjourned for supper, and while they had adjourned for supper the Newton ballot box was left in that room.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. GIFFORD. Relating to such a discrepancy I want to say to the gentleman that that discrepancy if found in an-

other batch of ballots would have been so great that it would have been noted in another count on another tally.

Mr. PALMISANO. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. Not for the moment, if the gentleman will pardon me.

I want to make it perfectly clear, Mr. Speaker, if I can, what the duty of this committee was. It was to go there and find out how many of those people voted. I am not alone in this interpretation of the mission of the committee.

On page 54 of the testimony taken at Newton, the gentleman from Oklahoma [Mr. NICHOLS] made this statement:

If this committee is able to ascertain whether or not there were 458 ballots cast in this election and for the sake of argument, say, that they found to their complete satisfaction that 458 were cast, then the committee must immediately conclude, must it not, that there were 34 ballots put in that box at some time or another which are not there now; that much is right, is it not?

That is what the gentleman from Oklahoma said up in New Hampshire. Again on page 56 he stated:

My idea was that the purpose of this committee in coming to Newton was to ascertain by interrogating the voters of the town of Newton whether or not there had been 34 ballots cast in this election which after they had been cast had in some manner or another disappeared. I thought that was what we came here for.

Yet the gentleman signed the majority report.

Mr. NICHOLS. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Would the gentleman mind reading some of the rest of my statement, stating to the House what it was that led up to this discussion? The gentleman has quoted those statements in the minority report.

Mr. WADSWORTH. Yes.

Mr. NICHOLS. As a matter of fact, there was a discussion between Mr. Wyman and myself, Mr. Wyman being attorney for Mr. Jenks. The first quotation was from page 54?

Mr. WADSWORTH. Yes.

Mr. NICHOLS. Now, then, following that immediately is Mr. Wyman's statement:

I should say, that is, may I add, if I understand your question, that 34 ballots were duly put into the box by qualified voters in the town of Newton. I do not want any misunderstanding about that.

Mr. NICHOLS. Make it as strong as you like. According to the returns by the election officials of the town of Newton 458 ballots were cast. Of that 458 ballots only 396 were cast for a candidate for Congress in this town. That is correct, is it not?

Mr. WADSWORTH. One minute. Two or three independent candidates for Governor got two or three votes.

I am not going to take any more of the gentleman's time, but in my time I will read the rest of that debate or discussion between Mr. Wyman and myself, because the gentleman's statement is very misleading.

Mr. WADSWORTH. I did not intend it to be. All of our conversations were up at Newton. I remember many of them.

Mr. NICHOLS. I do not remember all of them, but the record will show.

Mr. WADSWORTH. Mr. Speaker, I cannot reconcile the action of the majority in view of what we found at Newton.

The House sent the committee up there to do a job. We have done it. We have demonstrated under sworn testimony that all the people alleged to have voted in the town of Newton, according to the returns given from that town, did actually vote. That being the case, the controlling evidence is the tally sheet as to how many votes Mr. Jenks got. You cannot get away from it. We have impeached the ballot box at Concord.

That is all I have to say and I yield back the balance of my time.

Mr. KERR. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. ANDREWS. Will the gentleman yield? Is the gentleman a member of the committee?

Mr. McCORMACK. Mr. Speaker, the gentleman from New York [Mr. WADSWORTH] who has just concluded states that the controlling evidence is the tally sheet. The tally sheet has never been the controlling evidence in any contested-election case, in the absence of fraud. The tally sheet of itself is not evidence. The evidence is the ballot itself and in the absence of fraud connected with some one of the parties to a contested-election case, the tally sheet has never been considered as evidence in a contested-election case. To do so would mean that every man who is in a close district, Republican or Democrat, will face the future probability or the future possibility of having a mere tally sheet control the election. That is the dangerous situation which the election committees of the past have recognized and properly so, in the absence of fraud, remember, on the part of one of the parties, insofar as the acceptance of a tally sheet, a mere tally sheet, as conclusive evidence is concerned.

In this case there is no evidence of fraud. No evidence of fraud is charged against anyone. It is simply a question of the strange 34 ballots. No one accuses the secretary of state, nobody accuses anyone of fraud, and certainly Mr. Roy, the Democratic nominee in this contest, at no time during these hearings or the evidence in relation thereto, has been to the slightest extent accused of fraud.

The gentleman from New York [Mr. WADSWORTH] says that the integrity of the ballot box has been impugned. If the integrity of the ballot box has been impugned, that is evidence detrimental to Mr. Jenks. It is evidence in favor of Mr. Roy, because this committee when it went up there would have to find everything perfectly in order to sustain the contention of Mr. Jenks in relation to the 34 ballots that are missing; and nobody knows how those 34 persons voted, and if in fact they did vote, if they were cast for the Republican candidate for Congress.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Maryland.

Mr. GOLDSBOROUGH. If the House is bound to assume the truth of the statement of the various voters that they did vote, why would we not be equally bound to assume the truth of their statement as to who they voted for? In other words, why should they not also have been allowed to state how they voted?

Mr. McCORMACK. The gentleman from Iowa [Mr. BIERMANN] asked that question of the gentleman from New York [Mr. WADSWORTH]. The gentleman from New York in response to that stated they went up there to inquire who voted, not how they voted.

The gentleman from Iowa was correct when he said that when he voted for the motion to recommit he gave the committee complete authority to enter into all the aspects of the case in connection with the Newton vote. The gentleman from New York says the committee did its duty. The three Republicans on the committee voted against inquiring of any of the witnesses how they voted and if they voted for the office of Representative in Congress.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I hesitate to decline to yield, but I have only 10 minutes.

Mr. TOBEY. I want to correct a misstatement.

Mr. McCORMACK. Does the gentleman accuse me of making a misstatement?

Mr. TOBEY. No; I do not.

Mr. McCORMACK. I like the gentleman, but I cannot yield.

Mr. TOBEY. It will not take me 30 seconds to clear it up.

Mr. McCORMACK. The language of the motion to recommit is plain. The motion to recommit states:

Directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 9, 1936, and such further evidence as the committee may consider relevant to better enable it to determine the issue raised by this case, that the committee be authorized to expend such sums—

And so forth.

This shows that the committee had unlimited authority to go into all aspects of this matter in connection with the Newton vote and report back to the House, but when they went up there the three Republican members voted against asking any of those who appeared, for whom they voted, or even if they voted for a candidate for Congress, yet the record shows that there were 62 ballots out of the 424 or 458, whichever was cast, wherein the voter did not vote for a candidate for Congress. One-seventh of the voters casting a vote there, or approximately 14 percent, did not vote for a candidate for Congress in a hotly contested congressional fight. You and I know from our experience in our own districts that the percentage of those who do not vote for a candidate for Congress, even where there is no contest, nowhere nearly approximates 14 percent.

Mr. GAVAGAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I am sorry, I cannot yield.

The gentleman from New York [Mr. WADSWORTH], if I understood him correctly, has stated that the first time they knew of the 34 missing ballots was when Mr. Jenks in December received a wire from Mr. Estabrook. I know the gentleman from New York states what he understands to be the evidence, but we have evidence here under oath of an incident that happened in November 1936. The telegram mentioned by the gentleman from New York was sent in December to Mr. Jenks, after the ballot-law commission had decided that Mr. Roy had been elected. On November 24 the recount took place before the secretary of state, and Mr. Fuller, secretary of state, under oath, as will be found on page 95 of the hearings, testified that the discrepancy between the tally sheets and the ballots of 34 votes was noticed and known at the time the ballot boxes were opened, and that the attorneys on both sides were aware that there was a discrepancy of 34 ballots.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I cannot yield. My time is very limited. I have declined to yield to two other gentlemen.

At the time of the recount the 34 ballots were never disputed. If you had an opponent and that situation confronted you, would you not expect your attorney or his attorney to claim then that there was something irregular about that, and an opponent did not claim it then, would you not say he had waived it? Would you not say he was estopped from later asserting it?

Let us go further. The ballot law commission decided that Roy was elected by 17 votes. The ballot law commission knew of this discrepancy. The attorneys for both sides knew of it, but they never raised a question about it. Mr. Jenks knew that when he went down South. Then, later, when Mr. Estabrook sent him the telegram and he saw the opportunity that was presented, he sent a telegram back, as a result of which the ballot law commission took its second action, after the Governor had refused to issue the certificate of election to the Democrat for 10 days, during which time Roy, the Democrat, was trying to get his certificate of election. If the then Governor of New Hampshire had issued the certificate of election as he should have, instead of waiting 10 days, Roy would be sitting here today and not Jenks. Jenks would be fighting this case, and Roy would have been the sitting Member during the last 2 years. But the Governor declined to issue the certificate of election after the ballot law commission had determined that Roy, the Democrat, had been elected. Then, when a telegram was received, a rehearing was held and the whole number of votes cast recounted. Then Roy's attorneys appeared before the ballot law commission and claimed that it should determine what action should be taken with reference to the 34 ballots before the votes were counted, which was being done a second time, the first time by the secretary of state. The first hearing of the ballot law commission passed upon 101 disputed or contested ballots, and after considering these ballots declared Roy elected by 17 votes.

I repeat, the first time they only passed upon the 101 contested ballots, protested at the time of the recount of the secretary of state, but the second time they counted all the

ballots and they had reserved decision on 34 until the end. If the Democrats had lost by the 34 they would have thrown them out of the window, or if the Republicans had won they would not have passed upon them, but after the recount Roy was 24 votes ahead, but Roy could be defeated if these 34 votes were counted for the Republicans. With no question of fraud involved, with no question of larceny attaching to anyone, they arbitrarily said that these 34 persons, and nobody knew who they were, nor how they voted, voted for the Republican candidate. How could anybody determine this, and yet in 114 precincts out of 129 precincts errors were ascertained in that particular congressional district.

Mr. Speaker, I submit in conclusion, as the dean of the New England Democratic delegation, speaking as I am in that capacity and as a Member of the House, the evidence shows that Roy was elected and that he should be seated. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire, Mr. Jenks.

Mr. JENKS of New Hampshire. Mr. Speaker, the only reason I am taking the floor—and I had not intended to—is because of the letter that you all received from Mr. Roy, and there is something in the second paragraph of that letter than I want to make clear to you.

Mr. DINGELL. Mr. Speaker, will the gentleman yield there? We received one from you, too, did we not?

Mr. JENKS of New Hampshire. Oh, yes; certainly.

The language I refer to in that paragraph reads as follows:

Mr. Jenks on the floor of the House last July stated, "I never before in my life have run for a political office. I do not know anything about politics." The truth is that Mr. Jenks in 1934 ran for Congress against William N. Rogers.

This statement evidently is correct. I have not looked at the record, but I am taking it that this is correct where he quotes that I said I never before in my life had run for a political office. What I meant to have said was that I never before ran for—well, what do I want to say? [Laughter.] That is all right, gentleman, you can laugh if you want to—that I never ran for any other political office. That is what I meant to say. I left out the word "other," and I want you men to know I am not standing on this floor to try to defend the truthfulness of myself. I think I have been in this Congress long enough and I have served on committees in this Congress long enough for at least all of the members on those committees to know that I must be somewhere near an honest man. [Applause.]

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. JENKS of New Hampshire. Yes.

Mr. NICHOLS. Of course, the gentleman does not mean to state that Mr. Roy in his letter is stating an untruth, either?

Mr. JENKS of New Hampshire. No.

Mr. NICHOLS. He is speaking from the record.

Mr. JENKS of New Hampshire. He quoted me correctly. I made a mistake in not saying I never before ran for any other office than for Congress.

Mr. CRAVENS. Mr. Speaker, will the gentleman yield?

Mr. JENKS of New Hampshire. Yes.

Mr. CRAVENS. You had an opportunity, did you not, to make this correction in the bound volume of the RECORD?

Mr. JENKS of New Hampshire. I presume I did.

Mr. CRAVENS. Did you make the same correction there that you are making here? I call your attention to the bound volume of the CONGRESSIONAL RECORD of August 19, in which you use this language:

I do not know anything about politics, but I do know that I feel it a wonderful honor to be a Member of this splendid body of men and women.

You did not make the same correction there that you are making today, that you had run for no other political office.

Mr. JENKS of New Hampshire. I do not get what you are trying to bring out.

Mr. CRAVENS. The gentleman said instead of making the statement that he never ran for political office, he meant to say that he had never run—

Mr. JENKS of New Hampshire. For any other political office save Congress. Mr. Speaker, I do not yield further. I simply come here to stand before you gentlemen and say if you got a wrong impression from that letter, that is, the impression that I deliberately stood on the floor of the House and tried to make you believe I had never run for any office before, I was just trying to correct that impression, and that is all. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Hampshire has expired.

Mr. GIFFORD. Mr. Speaker, I yield the gentleman 3 minutes more.

Mr. JENKS of New Hampshire. Mr. Speaker, as long as I am on my feet I just want to say this. You men and women in this House sent this committee to the town of Newton, because I pleaded with you to do it, and I think by the result of that investigation that I and you have been vindicated. This committee went up there, and they got the sworn testimony of every man and woman in that town who went to the polls and voted—458, with the exception of those people who had died in the meantime. The press of the country commented—and you read it in your own local papers here in Washington—on the fact and the honesty and fairness of the overwhelming majority of Democrats in the House, and stated that when they voted to send that committee up there they had acted fairly, and I think you did, and I want to thank you again for doing it.

I have just this to say in closing: The Chaplain this morning in his prayer said something about sincerity and conscience, and there was one other word I would like to say, but I do not remember what it was. All I ask of you men is to weigh the evidence that has been presented here today. I do not believe you want to say to the people in the town of Newton that this great House of Representatives sent a committee up there and that that committee came back here and said to its members, "We do not believe the people in Newton under oath." I do not believe you want to have the people of New Hampshire feel that this House is going to say that there are 458 people in that State that this great House of Representatives will not believe under oath, and I do not believe you want it to go back to your districts, and spread wide over the country, that this Congress will not take the sworn testimony of 458 people in the State of New Hampshire. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Hampshire has again expired.

Mr. KERR. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, I have been interested in this election contest from the beginning, because it was only a few days after the election that Mr. Roy and his counsel came to me, and I have been advising with them ever since. I cannot recall any election contest in this House up to this moment where any injustice has been done to a Member. There is nothing more important to a man than to have the seat to which he was elected, even though it means the unseating of a man who has been here, who was not duly elected. We all feel hesitant about unseating a colleague, but we must consider the man who was duly elected. Let us put ourselves in his shoes, and many might be in those same shoes next fall. Others may be here with an election contest in the next Congress. I do not believe that anybody would consciously, from a partisan standpoint, vote to unseat a man if in his heart he felt the man was entitled to his seat.

But you recall when the motion was under consideration to recommit this matter to the Committee on Elections and send this committee to New Hampshire that I opposed it and said it was a most outrageous procedure, that it was an innovation in an election contest. However, all that is past. Permit me, however, to point out this to the Democrats. There was a difference of opinion upon the Democratic side in the last session. It was an honest difference of opinion. Many Democratic Members felt there was a real issue here, and that the Elections Committee should look

into the matter further; that possibly Mr. Jenks was entitled to the seat. The significant thing was that while there was a difference of opinion on the Democratic side of the aisle there was no difference of opinion whatsoever on the Republican side of the aisle. Every single, solitary Republican Member stood up and voted for Mr. Jenks. It is beyond comprehension that Members on the Democratic side should have an honest difference of opinion, and that such a division of minds should not affect even one Member on the Republican side of the aisle.

The issue in this contest comes down to the 34 votes in Everett—votes that nobody ever saw, votes concerning which nobody ever cast suspicion of their being lost, stolen, or of their flying out of the ballot box. Everyone who handled the votes in that district, seven Republicans and two Democrats, says that every ballot cast was put into the ballot box and the box was duly sealed and was sent to the secretary of state, a Republican. The seals were never broken. The box then went to the board of election appeals consisting of two Republicans and one Democrat.

Mark this significant feature. On election night Mr. Roy, a distinguished citizen of New Hampshire who has held high public office in that State, was reported to have been defeated by some 500 votes. That was the first count reported. Thereafter discrepancies in 114 of the 129 districts appeared. Of course you have not heard any talk about that around here. So, as an afterthought, after they had tossed Mr. Roy around, the Republicans could not count him out when all the ballots were laid out and counted and recounted, so then as an afterthought these "missing" 34 ballots were brought up as an issue by Mr. Jenks.

Mr. CREAL. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. CREAL. In these 114 precincts, was there a single precinct where the discrepancy was made in favor of a democrat?

Mr. O'CONNOR of New York. No; I understand not. All the discrepancies had favored the Republican. And as I said, when the committee went up to Everett to take testimony, they never had a chance of getting those Republicans to go on the stand in front of the entire Republican State officials and local officials and even intimate in any way by any possibility they had voted the Democratic ticket. Such an admission would have subjected those citizens for all time to public oppression.

The distinguished gentleman from Iowa [Mr. BIERMANN] today made a significant contribution to this debate in referring to the 62 votes that were not cast for any Congressman at all.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BATES of Massachusetts. What does the gentleman think would happen if the committee asked any of those people how they voted?

Mr. O'CONNOR of New York. I would think that would be the most disgraceful, un-American procedure we could have followed. Oh, I know what they would have said there in public in front of the Republican officials, they would have said they voted for Mr. Jenks, and Mr. Roy would not have gotten any votes at all from that district on such oral testimony.

Mr. BATES of Massachusetts. I do not think that would have happened.

Mr. O'CONNOR of New York. I am sure it would have happened. Oh, no; those citizens would not be telling an untruth; they would merely be protecting themselves against future sabotage. Maybe they were even looking for "relief." [Laughter.]

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York.

Mr. O'CONNOR of New York. From 30 years' experience with elections, serving as counsel in election contests in city and rural communities, let me tell you the only deducible conclusion in this case. You cannot always get absolute proof,

but you can put two and two together. You Members from the rural communities, and you other Members who have had experience in election cases, follow this, please. Here is what happened: The check list was handled in the back room of the polling place. The ballots were also in that back room. The lists were checked in the back room where the ballots were, and there were 34 ballots marked for Mr. Jenks that were intended to be put in the ballot box; but something happened. The industrious markers just never were able to put those 34 ballots in the ballot box before the polls closed or the count was taken. You cannot arrive at any other practical conclusion if you know anything about the conduct of elections with paper ballots in a rural community. As to the unused ballots all being accounted for, as stressed by the distinguished gentleman from New York, that is easily accounted for. Those 34 ballots marked for Mr. Jenks which chance prevented being stuffed into the ballot box were easily erased and restored to their virginity of unused ballots. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, we are about to perform one of the most important functions in a democracy; that is, to be sure that the people have their choice of officers in the respective offices, and particularly in the Congress of the United States.

The distinguished gentleman from New York who just left the floor tried to inject politics into this matter. I want to say to you that there are no politics and there should be no politics in a contest for a seat in this House. He pointed out that, although some of you Democrats were divided in your opinions on this matter, every Republican was on one side. I come before you today as one who is far removed from partisan interest in this matter. I am neither a Republican nor a Democrat. We Farmer-Laborites and we Progressives in this House are trying our very best to decide this matter on its merits. We feel that partisanship has no consideration in it.

Mr. BIERMANN. Mr. Speaker—

Mr. BOILEAU. Mr. Speaker, I decline to yield. The gentleman from New York tried to bring in the issue of partisan politics, but I say to you that we Farmer-Laborites and Progressives consider this matter on its merits. I may state that every single one of them in this House, the 12 Farmer-Laborites and Progressives, will vote to seat Mr. Jenks because we believe he was duly elected to this House. [Applause.]

Two distinguished Members of this House have talked, the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from New York [Mr. O'CONNOR], and both tried to make a big point of the fact that there were only 396 votes cast. Well, you know and I know that there never is an election where all the people vote all the way down the line for every office. You know and I know that in each election there are many people who will vote for the top of the ticket who will not vote for the other officers down the line. They may think it is too much out of proportion, I do not know; but that is the fact. I have not had a chance to study the record, but the testimony is that there were 296 votes for Jenks and 100 votes for Roy; and do not forget that there were candidates in the office, not two. Some of the other 62 ballots may have been cast for one or both of the ladies who were running. I do not know, for I have not got the record.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. NICHOLS. According to the testimony, two votes were cast for one woman and one for the other.

Mr. BOILEAU. That accounts for three. That is a few, at least. If ballot boxes had been stuffed for Jenks, there would have been 634 more.

When the people went to vote, one man checked off on the list and the man checked off 458 voters. Then the voters cast their ballots.

As they put every ballot in the box, the vote was checked. They checked 458. Both of those were separate checks.

There were 458 ballots. Then immediately after the polls were closed, the ballots were still folded and the first thing they did before they started tabulating the votes for the various candidates was to count the number of ballots, put them in piles of 25 to see whether or not the actual number of ballots compared with the number of people who were purported to have voted and who were recorded by the checkers. They counted, not 424 but 458.

Mr. KERR. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman on that point.

Mr. KERR. The gentleman seems to be defending the election officers up there.

Mr. BOILEAU. I do not yield on that.

Mr. KERR. I call the gentleman's attention to the fact that those election officers only returned 332 votes for the Farmer-Labor candidate, when in actual truth he received 720.

Mr. BOILEAU. I do not know anything about that.

Mr. KERR. I am quoting from the record, that is all.

Mr. BOILEAU. I do not know anything about that.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield the gentleman 4 additional minutes.

Mr. BOILEAU. Mr. Speaker, I know nothing about that particular matter. We are judging here a contest as between the gentleman from New Hampshire [Mr. Jenks] and Mr. Roy. I submit that those people counting the ballots counted 458 actual ballots that were cast at that time, so that there can be no question about that. If there were 458 ballots cast in the first place, and when they had the recount it showed only 424, there were 34 ballots missing. I call your attention to the fact that those 34 ballots that were missing were straight Republican votes and there is no way to get around that, because each and every one of the Republican candidates lost between 32 and 34 votes on the recount and that was true all the way down the line. Thirty-four votes were lost on the recount by all the Republican candidates, so they must have been straight Republican ballots.

The only question for us to determine here is whether or not there were 424 ballots cast or 458 ballots cast. We had this matter up in the House during the last session of the Congress and it was the opinion of the majority of the membership of the House that the question to determine was how many people voted. Were the checkers right? Were those who counted the ballots right? Were those who made the tabulations right when they said that 458 people had cast their ballots?

Mr. Speaker, we sent our committee up there to make an investigation. The committee acted diligently and it found those people had voted. They accounted for all but five. All but 5 of the 458 people either testified under oath that they had voted or else other people testified that they had voted, because the particular people involved were either away or had died. This committee showed conclusively that there were more than 424 ballots cast and that the figure of 458 was either accurate or approximately so. There can be no question about that. We must accept that.

Mr. Speaker, we have to accept our responsibility here today and vote in accordance with the kind of evidence that should convince you and I whether or not Mr. Jenks or Mr. Roy is entitled to a seat in this House.

Mr. HOUSTON. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Kansas.

Mr. HOUSTON. What was the vote, 296 to 100?

Mr. BOILEAU. Yes.

Mr. HOUSTON. Why not divide the 34 then in the same ratio then as between Mr. Jenks and Mr. Roy?

Mr. BOILEAU. The gentleman refers to the 34 votes that were taken out between the time they were put in the ballot box and the recount and asks, if the 34 votes were removed, lost, or stolen, why give them all to one man? Because the recount shows that every single one of the Republicans lost from 32 to 34 votes, so that they were Republican votes that

were taken out. That is why. It is as clear as the nose on the gentleman's face. That is just exactly the situation and it is just as simple as that. May I ask the gentleman from Massachusetts if I have not properly stated the situation?

Mr. GIFFORD. The gentleman is speaking to that side of the House and I could not hear him.

Mr. BOILEAU. I say every Republican in the recount lost from 32 to 34 votes.

Mr. GIFFORD. That is right.

Mr. BOILEAU. I ask the gentleman from Oklahoma if that is not right?

Mr. NICHOLS. What is that?

Mr. BOILEAU. On the recount as compared with the original certification of the ballot clerks, each Republican lost approximately 32 to 34 votes; is that not true?

Mr. NICHOLS. I do not know.

Mr. BOILEAU. Did not every one of the Republicans lose from 32 to 34 votes?

Mr. NICHOLS. I do not know.

Mr. BOILEAU. The gentleman should know that. It is in the report.

Mr. NICHOLS. Well, show it to me.

Mr. BOILEAU. I am asking the gentleman, in all fairness.

Mr. NICHOLS. I do not know. You will have more time to show it.

Mr. BOILEAU. Mr. Speaker, I challenge any Member on the Democratic side to dispute the statement I have just made—that when it came to the recount it showed that every Republican lost between 32 and 34 votes. I defy any Member to deny that statement.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. CRAVENS].

Mr. CRAVENS. Mr. Speaker, I cannot subscribe to the statement made by the gentleman from New York that our committee accomplished the purpose for which it went to Newton. I wish to read again the resolution sending the committee there:

That the committee be, and hereby is, authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents.

The part of the resolution to which I direct your special attention is this:

And such further testimony as the committee may consider relevant to better enable it to determine the issues raised by this case.

The issue raised by this case, as I understand it, is who was elected to Congress from the First District of New Hampshire in the 1936 general election.

I was the acting chairman of the committee that held these hearings at Newton, and I want to call your attention to the things that transpired immediately before we went there to hold the hearings. At a meeting of the committee held in this building on the 26th day of August 1937 the following proceedings were had:

The Committee on Elections No. 3 met in the Capitol Building today at 12 m. with the following members present: Mr. CRAVENS, Mr. BEITER, Mr. WADSWORTH, Mr. WOLVERTON, Mr. THOMAS of Texas, Mr. NICHOLS, Mr. MOSIER of Ohio.

The committee was advised that the chairman, Mr. KERR, was ill and would be unable to go on the investigation in the case of Roy v. Jenks. Mr. CRAVENS read a telegram from the chairman in which he advised the committee of his inability to participate in the investigation and stating that the investigation would proceed with Mr. CRAVENS as acting chairman.

I wish to call your particular attention to the following as the only authority given to the two gentlemen who were sent to New Hampshire preceding the meeting of the committee there. We knew that arrangements had to be made for a place for the committee to stay, a building in which to hold the hearings, and a stenographer to take the testimony. Therefore these proceedings were had:

The committee authorized Mr. BEITER and Mr. WADSWORTH to leave Washington on Monday, August 23, for Newton, N. H., and to make necessary preliminary arrangements—

What were they?—

such as securing the services of a stenographer, hotel accommodations, quarters for conducting the investigation.

That was the authority given the gentlemen from New York [Mr. WADSWORTH and Mr. BEITER].

When the committee assembled at Newton I was astounded to learn that these two gentlemen had assumed the authority of directing and determining the policy of our investigation. I am going to read you a card the committee upon arrival at Newton, N. H., found had been out:

NOTICE TO APPEAR

The Committee on Elections appointed by the House of Representatives to inquire as to the number and identity of the persons who voted in the town of Newton at the general election held November 3, 1936, will be present at the town hall at Newton on Thursday, August 26, 1937, between the hours of 1 p. m. and 5 p. m.; Friday, August 27, 1937, from 9:30 a. m. to 12 o'clock noon, 1 p. m. to 5 p. m., and from 6:30 p. m. to 9 p. m.; Saturday morning at 9:30 a. m. and throughout the day until 5 p. m.

I wish to call your special attention to the following:

You as one of the qualified voters at said general election are hereby notified to appear in person to answer the question, "Did you vote at said election?" No questions as to how you voted will be asked.

If you need conveyance it will be arranged for you upon your giving notice to the town officials.

By order of committee:

BEN CRAVENS, M. C.,

Chairman of Committee.

The first intimation I had of this card having been sent out was after the committee arrived at Newton.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from New York.

Mr. WADSWORTH. To make the story complete, and I am sure the gentleman wants to do so, the gentleman should remind the House that the gentleman from New York [Mr. BEITER] and I were joined by the gentleman from Ohio [Mr. MOSIER] and the gentleman from New Jersey [Mr. WOLVERTON], and that four members of the committee are responsible jointly for that notice.

Mr. CRAVENS. I do not understand they had anything to do with the cards being sent out.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. When the gentleman learned that such a card had been sent out, did he make any complaint?

Mr. CRAVENS. Absolutely.

Mr. TAYLOR of Tennessee. To whom?

Mr. CRAVENS. To the entire committee. I will go into detail and state what I did. I said to the gentleman from New York, "Mr. BEITER, by what authority did you send out this card?" He said, "I was advised by Mr. WADSWORTH it was the proper thing to do." I said, "Did you agree that the only question that should be asked was 'Did you vote at said election?'" He said, "I did; after Mr. WADSWORTH told me that was the only question we could legally ask. I asked him, 'Can we not ask them this question without stating who they voted for, 'Did you vote for a candidate for Congress?'" and Mr. WADSWORTH said that would be illegal."

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield? The gentleman has referred to me.

Mr. CRAVENS. In the greatest of kindness.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from New York.

Mr. BEITER. In order to correct the record, the gentleman from New York [Mr. WADSWORTH] did not say it would be illegal, but said it would be unconstitutional. [Laughter.]

Mr. CRAVENS. I accept the correction.

Now, does the gentleman from New York [Mr. WADSWORTH] want to ask me a question?

Mr. WADSWORTH. The gentleman from Arkansas knows my devotion to the Constitution, and I am glad to be corrected.

Mr. CRAVENS. But I think the gentleman is misinformed as to the Constitution, no matter how fond he is of it.

Mr. WADSWORTH. As a matter of fact, I have no recollection of this conversation.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield.

Mr. COLE of New York. After this notice had come to the attention of the full committee upon their arrival at Newton, was any action taken by the full committee either to endorse and approve this notice or to countermand and withdraw it?

Mr. CRAVENS. Action was taken at the first opportunity. As I recall, when the first witness appeared Mr. NICHOLS and I attempted to ask the witness whether he voted for a candidate for Congress.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I cannot yield any further at this time.

The committee then held an executive session and the matter was argued pro and con and a vote taken as to whether or not we should ask any question other than the one printed on the card. Mr. NICHOLS and I argued for, and voted for, authority to ask the further question, Did you vote for a candidate for Congress? We were overruled by the committee and abided by the decision of the majority. This answers your question, I think.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield further for a brief question?

Mr. CRAVENS. I am sorry I cannot, as my time has once expired.

I want to call attention to some things that were developed in the hearings. They have a peculiar law in New Hampshire. If a man once lives in a township or town, as they call it, and gets on the list of registered voters, he may, upon moving away, retain his voting rights in that town by serving written notice upon the town clerk—I think it is the town clerk, or some other town official. It was developed in the hearing at Newton that five persons who had moved away from Newton, without having given this notice, some of whom had lived in other States for years, were permitted to come back to Newton and vote in this election in 1936. It further developed that on the tally sheet three were listed who came before the committee and positively swore they never voted at that election in Newton. Now, there are eight discrepancies unanswerable and not explained. Five voted who were illegal voters and three were listed as voting who testified they never voted.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield.

Mr. CHURCH. Has the gentleman any authority whatever that states that those five persons, although they had gone away, perhaps temporarily, had no right to vote? Is the gentleman familiar with the East St. Louis case that holds that you can move out of a place temporarily and come back and vote?

Mr. CRAVENS. New Hampshire has its own laws.

Mr. CHURCH. Certainly.

Mr. CRAVENS. Every State can determine about its own voters and determine their qualifications.

Mr. CHURCH. Just like we can come here to Washington and then go back home and vote.

Mr. CRAVENS. They were permitted to vote, and some of them testified on the stand they had lived away from there for years, having moved to other States.

Now, as to these mythical votes, the attorneys for Mr. Jenks both made the statement that they did not believe these 34 votes, if they ever existed, ever reached Concord, N. H., that if they were lost, strayed, or stolen, it occurred at Newton, yet the nine officials holding the election at Newton testified positively and unequivocally that every ballot

cast, every ballot counted, was replaced in the container, signed and sealed, and sent to Concord. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Speaker, last year in August I took the floor and added my plea to that of some of our other Members that this House of Representatives send to this little town of Newton the committee which went there. We were expecting to base our report this session on the findings of that committee.

I rise now to express my gratification over the fact that our plea to the membership of this House of Representatives last August was not in vain, and to say now that, in my opinion, the findings of the congressional investigating committee we sent to Newton, N. H., have completely vindicated the vote of the majority of the House.

The House of Representatives is the sole judge of the qualifications of its membership, and when a case like the one under discussion comes before us, it must be decided solely on the facts rather than on the basis of partisanship or mere weight of numbers if the integrity of the House of Representatives is to be maintained.

I have carefully studied the majority and minority reports on this case, and I feel confident that every Member who has done likewise is convinced that equity is on the side of the contestee, Mr. Jenks, of New Hampshire, and that on the basis of the findings of the investigating committee he should be permitted to retain his seat. [Applause.]

As a loyal member of the Democratic majority, I hope our overwhelming numbers will uphold the honor and dignity of this House of Representatives by voting to preserve justice and the protection of the minority.

Fair play goes further than partisanship; and so that the ends of justice may be served, I again appeal to the House to decide this case on its factual merits. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 30 minutes to the gentleman from New Jersey [Mr. WOLVERTON], and I understand that at the conclusion of that time I shall have 3 minutes remaining.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 30 minutes. The gentleman from Massachusetts will then have 3 minutes remaining.

Mr. WOLVERTON. Mr. Speaker and Members of the House, the decision of the question now before us involves the honor and dignity of the House.

In deciding matters of legislation the viewpoint of the individual Members may differ on questions of policy. Frequently this difference of opinion is based upon differing party policies. Consequently, in such cases the vote of the House is divided, more or less, along strictly party lines. Partisanship under such circumstances is natural. It is neither improper nor unexpected. It is the fulfillment of party pledges and we recognize it as a party obligation upon our part. To do so in no way destroys or undermines the obligations we assume under our oath as Members of the House.

The question now before the House, however, is not one of this character. It does not have within it any party issue based upon differing policies of government. While partisanship may properly control our decision on matters of legislation there can be no proper place for it, as a controlling factor, in deciding the question of the right of an individual to sit as a Member of this House.

The Constitution lays down in plain and unmistakable language the basis upon which a question of this character is to be decided. It does not contemplate a decision based upon partisanship. Article I, section 5, of the Constitution, sets forth:

Each House shall be judge of the elections, returns, and qualifications of its own Members.

The underlying thought from the use of this language would seem to be that the House is expected to be judicial in the consideration and decision it shall give in such a highly

important matter that involves, not only the individuals directly concerned, but also the three-hundred-and-odd-thousand people residing within the particular congressional district.

I therefore appeal to you to give a judicial consideration to the facts presented in this case and eliminate any thought of partisanship that under other circumstances might be entirely proper and commendable.

The history of the House of Representatives, from its earliest days until the present, gives unmistakable evidence that throughout its entire existence the attitude of a judge, rendering an impartial and in every sense a judicial decision has prevailed. To the credit of the House it can be said that in practically all cases this principle has prevailed. The exceptions have been very, very few in number. Nor can any one political party claim all the virtue in this respect. It has been characteristic of all.

I was greatly surprised, when this case was before the House in August last, to hear one of our distinguished Members in an impassioned partisan appeal to the Democratic side of the House say:

I have been a Member of this House for 14 years, and in all that time, in any election contest, I have never seen one Republican vote to seat a Democrat no matter how strong the merits have been in favor of the Democrat.

Members of the House, the facts of the case do not justify that statement. The actual facts taken from the RECORD show that during the 14 years, to which the Member made reference, the Republicans had control of the House from the Sixty-eighth to the Seventy-first Congress, inclusive, there were nine election-contest cases. In five instances the Democratic contestant was seated by the Republican House and in four of the cases it was by the unanimous vote of the House. In four instances the Republican contestant was seated and in each case it was by the unanimous vote of the House, showing that the Democratic side concurred in the action of the Republican side. During the next 6 years the House was under Democratic control. During that time there were 16 contests. In four instances Democratic Members were seated. In each case it was by the unanimous vote of the House. This included the Republicans. Thus, it can be seen that neither side of the House has permitted partisan policies to enter into the decision.

Mr. BOLAND of Pennsylvania. Will the gentleman yield?

Mr. WOLVERTON. Not now.

I have also made a study of the results of election-contest cases in the House over the last 30 years. They evidence the same spirit of fair play and impartiality as those to which I have just made reference. During the last 30 years there have been 74 election-contest cases. In these cases I find that 38 Republicans were seated. Twenty-seven of these were seated when the House was under Democratic control, and 11 under Republican control. Twenty-nine Democrats were seated during the same period, 17 when the House was under Republican control and 12 under Democratic control. The other case involved a Progressive who was seated and the remaining six cases were either withdrawn or undecided.

I have mentioned these cases not only to refute the charge of Republican partisanship that was unjustly made during the debate last August, but to also demonstrate to the Members of the House, particularly the new Members, that through all the years, regardless of whether the House has been under Democratic or Republican control, the honor and the dignity of the House has been maintained by giving judicial rather than partisan consideration to cases of this kind.

I am confident that the membership of this present House is actuated by the same desire to exalt judicial rather than partisan consideration of the case now before us, as has characterized the membership in every Congress that has preceded us. Last August you demonstrated such fact by the action that was taken. I am confident that such an attitude continues to prevail and that this case will receive at

your hands fair and impartial consideration, and that your decision will be based upon equity and good conscience.

Before I proceed to present what seems to me to be the controlling facts in this case, may I say that if I did not have the confidence to which I have just referred, and which your past conduct encourages me to have, I would not take the time of this House to present such facts, for if partisanship was to be the dominant factor your overwhelming numbers would make an appeal a waste of time. I cannot adequately express the sense of pleasure and privilege it is to know that I can present the facts of this case with the knowledge that they will have a fair and honest consideration by you and with no desire upon your part to do other than what is right and just by your decision.

The issue presented in the case is not complicated or difficult to understand. As a result of the recounts and several hearings in the State of New Hampshire, prior to the issuance of a certificate of election to Mr. Jenks, the hearings before the House Committee on Elections and finally the debate on the floor of the House when this matter was before the House in August last, have cleared away all inconsequential contentions, both of law and fact, and as a result there stands out but one clear-cut issue, namely, how many people voted at Newton on the day of the general election, November 3, 1936?

The poll lists show that 458 of the registered voters of the town of Newton appeared in person and cast their ballots. A register of those voting was kept by two separate election officials, one was a Democrat and the other a Republican. As the voters presented themselves to vote the name of the voter was announced publicly. The register of voters entitled to vote was examined and, the person's name appearing thereon, he was handed a ballot and a check mark placed opposite the name to indicate the person had qualified to vote. After marking the ballot the person returned the ballot to the moderator who acted as judge, in this case a Democrat. It was thereupon placed in the ballot box and a check mark was placed opposite the name of the voter on the other poll list, and by a person of the opposite political party than the first, this check being a record that the person had voted the ballot he received when his name was first checked. After the closing of the polls the two poll clerks who had checked the voters as they came in and went out counted the number voting as appeared upon their respective check lists. They each reported that 458 persons had received and cast ballots.

Mr. BOLAND of Pennsylvania. Will the gentleman yield now?

Mr. WOLVERTON. Mr. Speaker, I have already indicated to the gentleman that I do not care to yield.

After this fact had been publicly announced the ballot box was opened by the moderator. The ballots were taken and counted. A double count, in which all 9 members of the election board participated, was made and 458 ballots were found. This number tallied perfectly with the 458 names checked as having voted. The ballots were then called off by the moderator. He performed his duties under the watchful supervision of another election official not of his own political party. The two tally clerks recorded opposite the name of each candidate the votes cast for them as they were read off. The tally clerks were likewise of different political parties. The ballots were then examined by the other election officials and placed in a container. The result of the election was thereupon publicly announced, the reports signed by all the election officials, the box containing the 458 ballots was sealed and signed by all the election officials. The box containing the ballots was turned over to the town clerk and kept by her until sent to the secretary of state as provided by law. I ask that you shall take particular notice that the action of the election board has been unanimous in every step taken to carry on and complete the election, and that Republicans and Democrats on that board, before any contest had arisen or question raised, had signed the necessary election reports showing that 458 persons had voted, 458 ballots were placed in the box, and two check lists, also a part of the election

records, corroborated the fact that 458 persons had each cast a ballot in the election. There has never since then been any change in these records. They are today in the same form as on election day. The election officials, Democrats and Republicans, have testified under oath that the records were truthfully and faithfully kept. Each of these officials are held in high repute in the community. No one, not even the contestant in this case, has ever raised a question or suspicion as to the integrity or honesty of each. Neither they, nor the records they kept, have been impeached in the slightest degree. Their records and the testimony they have given that 458 persons cast their ballots in the general election of 1936 stands unchallenged, even until this very day. In fact, they have never been under even suspicion.

It is equally admitted by both sides in this case that if it is found that 458 persons did vote, then the tally sheets are evidence of how they voted, and this would mean that Mr. Jenks is entitled to hold his seat in this House. It was upon such a finding of fact that the Ballot Law Commission of New Hampshire awarded the certificate of election to Mr. Jenks, and upon this basis this House has permitted Mr. Jenks to be sworn in and serve as a Member of this House during the three sessions of the Seventy-fifth Congress.

It is now my purpose to state the facts upon which the contestant seeks to overcome the established facts that I have just related.

Without reference to the detailed reasons that made necessary the recounts by the secretary of state and the State ballot law commission, it can be said that in the final analysis the ballot law commission, upon a recount of the ballots for the entire congressional district, declared Mr. Roy elected by a majority of 24 votes.

It was not until after this that Mr. Jenks was apprised of an apparent discrepancy in the Newton vote. The information came in the form of a telephone message from one of the town officials at Newton—I think it was the moderator; at any rate, the person was not personally known to Mr. Jenks. This official—and I think I am also correct in saying that he was a Democrat—told Mr. Jenks that he should look into the matter, as the total vote announced by the secretary of state and the ballot law commission for the town of Newton was only 424, whereas the records of the election officials at Newton showed 458 had cast ballots. Thus there was a loss of 34 votes; and from a comparison of the tally sheets made by the State officials upon the basis of the 424 ballots before them, and the tally sheets made by the Newton election officials upon the basis of the 458 ballots before them on the evening of election, it was easy to determine that the 34 missing ballots were straight Republican votes.

When this fact became apparent to the ballot law commission they immediately reversed the decision that had declared Mr. Roy elected by 24 votes, and, thereupon declared Mr. Jenks to be elected by 10 votes and accordingly issued to him a certificate of election. It may be interesting to note in this connection that the House Committee on Elections awarded Mr. Jenks an additional 4 votes upon the basis of disagreement with the State commission on the decision it had rendered on certain ballots in dispute.

Thus it can be readily seen that the issue in this case is whether 458 persons voted at Newton on November 3, 1936, as claimed by Mr. Jenks, or only 424 as alleged by Mr. Roy, the contestant.

The sworn testimony of 9 election officers, both Democrats and Republicans, their signed records, poll lists, tally sheets, and so forth, established the fact that 458 persons voted. The contestant, however, takes the position that as only 424 votes were found at the recount, therefore only 424 persons voted. As to the latter there is no corroboration whatsoever other than the presence at a later date of 424 ballots instead of the 458, which 9 election officials testified had actually existed and was confirmed by all the other documentary proof that is part of the election procedure.

A remembrance upon your part of the discussion and debate that preceded the rejection by the House of the committee resolution to unseat Mr. Jenks will make clear that

in the final analysis that the only question that the House considered important or controlling in the decision of the contest was whether 458 or 424 persons had voted. No questions of eligibility or otherwise were considered as having any importance whatever. The sole and only question was as to the number who had voted. If 458 persons voted, then the tally sheets of the election officers of Newton was a record of how and for whom they had voted. If only 424 persons voted, then the tally sheets that were kept by the ballot law commission were a record of how the vote was cast. The House wisely and with rare judgment discerned that the only issue, therefore, was this one of fact, whether 458 or 424 persons had voted. If the former, then Mr. Jenks was duly elected. If the latter, then Mr. Roy was elected.

The substitute resolution—offered by Mr. Wilcox, and adopted by the House—had no other purpose than to obtain the necessary evidence that would establish the number of persons who had voted. A reading of the resolution will confirm this fact. It was as follows:

Mr. Wilcox moves that this resolution be recommitted to the committee; that the committee be, and hereby is, authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 3, 1936, and such further testimony as the committee may consider relevant to better enable it to determine the issue raised by this case; and that the committee be authorized to extend such sums in its investigation as it may deem necessary and report its findings and recommendations to this House at the next session of Congress.

The clarity and distinctness of the resolution does not admit of any doubt as to the duty with which the committee was charged. There was no other question involved than whether 458 residents of Newton had voted in person on November 3, 1936, as shown by the election records.

The committee, accepting the responsibility went immediately, after the adjournment of Congress, to Newton, with the exception of the chairman [Mr. KERR] and the gentleman from Texas [Mr. THOMAS], who did not find it convenient to accompany the committee. The response that followed the committee's announcement that it would sit in the town hall on certain designated days, at fixed times of the day, was one of the most astonishing, and, at the same time encouraging, scenes that I have ever witnessed. It was a little New England town with no streets other than the road that ran through it. A few houses, a store or two, a shop, and then you were out of the town. The inhabitants lived throughout the country on farms, not all of which were easily accessible. And, yet, with nothing other than a postal card notice that the committee would sit in the town hall the day following, these humble, plain, honest, hard-working people, mostly farmers, commenced to arrive with a sense of fulfilling a public duty. Of the total number of 458, whose names appeared on the poll lists as having voted, 436 appeared in person, 8 were unable to attend because of illness or other cause and they were visited by a subcommittee who took their affidavit as to their residence and the fact they had voted at the general election, held on November 3, 1936. Nine had died since the election and the fact that they had voted was established by the testimony of two disinterested witnesses in each case in addition to the election officers. On the last day of our hearings there were only five persons who had not appeared voluntarily. These individuals it was ascertained were away elsewhere temporarily, it being the summer vacation season, and the chairman and committee decided that it would not be necessary to await their return and the committee departed from Newton with every one of the 458 persons accounted for whose names appear on the list of voters at the election of November 3, 1936, with the exception of the 5 I have mentioned, and to make the record of the committee complete, I returned to Newton at a later date as a member of the subcommittee and contacted those 5 and their affidavits are now on file with the committee, testifying to the fact that they voted. Thus, every one of the 458 checked as having voted on the poll lists were accounted for. I am proud of

the record that was made by the committee in fulfilling the duty that was assigned to us by the House in August, last. I confess, however, that I am disappointed that the majority report does not reveal this fact and merely adds a paragraph to the report that was filed last August and that merely recites in effect that nothing has occurred to change the viewpoint from the time of the last report.

I will take just a moment or two to discuss questions that have been raised but which in my opinion are extraneous to the real issue in this case. First, it is said that three witnesses appeared who testified that they had not voted although their names were checked as having done so. A brief reference to the facts in each of these cases I am certain will convince any mind that there is no substantial justification for the statement that they did not vote.

The first of these cases was that of a person who appeared before the committee in such a state of intoxication that it was necessary to dismiss him as a witness. He returned the following morning slightly improved but still visibly under the influence of liquor. He testified, in a way, and said that he had not voted on November 3, 1938. Upon further questioning he stated that the reason he knew he had not voted was because he was working for a certain manufacturer at the time and did not leave to vote. The committee seeking further evidence in the matter called as a witness before the committee the employer to whom he had referred. The employer testified that the man did not work for him at the time of the election and had not worked for him since the month of July preceding the November election. A young lady, bookkeeper in the establishment was also present, ready and willing to testify to the same facts that had been testified to by the employer, but the committee did not call her as a witness.

The second case was that of a poor forlorn and greatly distressed woman. Her testimony at no time was positive or of a kind that would convince. She stated that she did not remember voting. She was unwilling to say positively that she did not do so. She merely said something seems to tell me that I did not vote. In answer, however, to a question by a member of the committee, she said, "Well if somebody told me I voted or if my name is down I must have voted." Her name was down that she had voted and the election officers testified she did vote. Information came to some members of the committee that she was under the complete domination of her husband who had the reputation of being brutal to her.

She certainly looked scared and acted all the time as if she was under some great mental strain. She was far from being mentally vigorous and at no time positive in her testimony.

The third case was equally distressing. It was that of a young man who was visibly not of sound mind or memory. It was difficult to obtain answers from him. In fact, his actions on the stand would easily create sympathy for him. His manner would indicate that he was half-witted. I am inclined to think that every member of the committee was inclined to think that such was the case. The explanation of the situation developed from the testimony of the father who, at his own request, was called as a witness to explain the mental condition of his son. Three times during the time that the son was stumbling and mumbling his answers the father requested to be heard. Finally he was called as a witness. He explained to the committee that some years ago his son was in a serious automobile accident and had suffered injuries of his head that had caused him to have lapses of memory very frequently and likewise a muddled mental condition. He explained how he would send the boy to town to make some purchases and the boy would return home having forgotten what he went to purchase. The father concluded his testimony by saying that he knew the boy had voted, as he had accompanied him to the polls. In addition, there was in this case as in the other cases the testimony of the election officers to the same fact.

Thus, the three cases, to which some question is raised, are all of that type that no jury would have taken their testimony as determinative of the fact that was in question and, particularly, would not have done so when to give full faith and credit to their testimony would have meant impeachment of witnesses of character and standing in the community such as the election officers in this case.

The only other question that was raised related to the right of three or four witnesses who were working elsewhere and continued to consider Newton their voting residence. These individuals had returned, some of them year after year, to cast their vote. Not one had ever voted elsewhere, and some continued to hold property and pay taxes in Newton or had relatives living there at whose residence they held their own voting residence.

It should be realized, however, that in all these cases there was no disputing the fact that they had voted and that their names appeared among the 458 whom the records showed had voted. And, as to the question of their right to vote, that was a matter for the election officers to determine under the law of the State of New Hampshire. Neither their right to register or vote had ever been questioned or challenged by anyone. The duty of the committee was fulfilled when it established the fact that they had voted.

Another question that the committee considered and decided was whether the witnesses should be asked for whom they voted or whether they had voted for Members of Congress. The committee, after a full consideration of this question, decided by a vote of 5 to 2 that the committee had no right to ask either question, because it would violate the inalienable right to a secret ballot. Furthermore, it was the opinion of the committee that our duty under the resolution was to determine whether 458 had voted at the general election of 1936 in the town of Newton. If they voted then, the tally sheets at Newton were to be taken as the evidence of how and for whom they had voted.

In conclusion, may I say that the evidence in this case leaves no doubt that 458 residents of the town of Newton voted in the general election of 1936. It is settled by the sworn testimony of 436 residents who appeared in person, by the sworn testimony of 9 election officials. Democrat and Republican, and by all the documentary evidence consisting of poll lists, voting lists, tally sheets, and so forth, confirm and establish the fact that 458 persons voted in the general election of 1936.

To hold that only 424 had voted, it would be necessary to find that the ballots after they left Newton had been safely and securely kept in the sole custody of the secretary of state as required by law, and that there had been no opportunity to destroy the integrity of the ballot box as delivered to the secretary of state by the election officials of Newton. The utter futility of finding in this case that no opportunity existed to tamper with the ballots after leaving Newton is demonstrated by the sworn testimony before the committee. In reference to this matter, it was testified by the secretary of state that, in addition to the key held by him for the room in which the ballots were stored, there were also five or six more keys for the same room in the possession of janitors about the statehouse. It is also significant and worthy of serious consideration that the wrapper and seal that had been placed about the package of ballots by the election officers in Newton had not been preserved by the secretary of state, as required by the election laws of the State of New Hampshire.

There was also another situation, that appeared in the testimony before the committee, with reference to the alleged care that had been taken of the ballots during the recount before the secretary of state. Until the committee called before it at Newton a witness by the name of Roy, who had been a representative of the contestant Roy, it had been understood and claimed in behalf of the contestant that the ballots in the town of Newton had never been outside the range of vision of the secretary of state during the recount. The witness Roy, however, while on the witness stand before the committee explaining a disturbance that had required

the secretary of state to order his ejection from the room where the recount was being conducted, testified that the recount of the Newton ballots had not been completed when supper time arrived, and that after the secretary of state and his deputy and the others had left the room he and the others engaged in the recount remained alone in the room. The fact that the secretary of state had not kept the ballots within his custody or control during the recount was surprising, in view of the claims that had theretofore been made, and certainly, with the number of spectators and others present, to slip a number of straight Republican ballots from the pile where they were placed was not at all impossible. This could very easily explain the disappearance of the 34 ballots which are missing from the 458 that had been cast at Newton on the day of election.

If you are unwilling to accept either of the above situations as providing a plausible explanation of the missing ballots, then it would be necessary for you to conclude that at least some of the 436 who appeared and testified that they voted had committed perjury, that the 9 election officers who testified that they had voted had also committed perjury and, in addition thereto, had entered into a conspiracy to falsify the voting lists that recorded those who voted and likewise the tally sheets as to how they had voted.

To come to any such conclusion shocks the conscience and would leave a blot upon the honor and dignity of this House that no partisanship consideration could ever justify.

I shall conclude with the statement I made in the opening of my remarks, namely, the decision of the question now before us involves the honor and dignity of the House, and that a judicial rather than a partisan basis of decision is the only way the honor and dignity of the House can be maintained.

I appeal to you to show today the same spirit of impartial justice that has prevailed through all the history of this House on both sides of the aisle and, on the basis of the facts, permit Mr. Jenks to retain the seat that he has so faithfully and ably filled during the three sessions of Congress that intervened since he took the oath of office at the convening of this Seventy-fifth Congress in January of 1937. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, 70 years ago contested elections became such a scandal in Parliament that they were turned over to the courts. In 1873 Pennsylvania by constitutional change did the same thing. That ought to be done everywhere.

In this country from 1860 to 1900 the scandal became worse and worse. Republicans and Democrats alike seated their men on account of partisan influences. From 1900 to 1920 improvement grew slowly. There then became chairman of a Republican Election Committee of this House, Frederick W. Dallinger, of Massachusetts, who served as such for years and at the end was able to say there had never come from his committee other than a unanimous report. In my turn, I became chairman of an Election Committee and, while I did not serve as such so long as Mr. Dallinger, I can say the same thing, save in a single instance, where one member, if I remember right, registered dissent. Otherwise the committee was unanimous in refusing to let partisan considerations affect our decisions. There is in this House one of the leading Democrats, one of the oldest Democrats, holding one of the highest positions here, whose seat was saved by the vote of a Republican Elections Committee of which I was chairman.

To the best of my recollection, for 19 years there has not until today been brought into this body an election contest with anything like a partisan flavor. But the signs are now evident.

Mr. Speaker, at this moment there are in the Charles Street Jail, in Boston, men who were high public officials. They are no longer in office, but now reside behind bars because only a few days ago they were convicted of tampering with a jury. I have heard that men in high positions in Washington have been tampering with this jury. In my

own case, in the instance I referred to a moment ago, men high in my party came to me and asked that I unseat a man because he was a Democrat. We refused to do it.

Thank God, my conscience has been at ease every since, and I appeal to the conscience of every man listening to me that he may not cast a vote here today by reason of partisan motives.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield 20 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, much has been said this afternoon, of course, about two gentlemen, one Mr. Jenks and the other Mr. Roy. You have had opportunity to see, become acquainted with, and know Mr. Jenks, but I expect you have never had an opportunity even to see Mr. Roy. He is a mythical person. A description has been given of him in this House by some Members of the House which is not exactly complimentary. Mr. Roy, wearing a blue suit, now sits in the first row in that gallery. Stand up, Mr. Roy.

Mr. SNELL. Mr. Speaker, I make the point of order that is against the rules of the House, and the gentleman ought to know it.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. NICHOLS. Mr. Roy is not permitted to be on the floor.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. NICHOLS. I beg the Chair's pardon. I certainly do not want to transgress any rules.

Mr. Speaker, Members of the House, so you may have these facts before you at the time you will be called upon to cast your vote, I am going to toll them off to you in the sequence in which they occurred. I am going to give you dates. Of necessity I will have to cover some ground that has heretofore been covered, but if you will give me your attention, I ask the privilege of unfolding before you the most fantastic and story-book sequence of affairs you have probably ever heard in a contest similar to this.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I am sorry, I have only 20 minutes.

Mr. COLMER. All right; I am as sorry as the gentleman was a while ago.

Mr. NICHOLS. I will say to my distinguished friend from Mississippi that certainly what I did a minute ago was done through pure ignorance. I had no idea it would not be perfectly proper for me to make reference to and show the Members of this House a man whose right to a seat in this body is being contested. I thought surely it would be all right, since he not only was not permitted to make a speech on the floor, as was the contestee, but was not permitted even to sit here, that I was not going outside the province of what was right and just when I asked that he stand so you might view him. If I have offended, I sincerely apologize.

Mr. COLMER and Mr. MICHENER rose.

Mr. NICHOLS. I yield to my distinguished friend, the gentleman from Mississippi.

Mr. COLMER. I may say to the gentleman, I had no desire to reflect upon his referring to the gentleman in the gallery. I was merely saying to my friend in a facetious manner that I was just as sorry that he would not yield to me as he was a while ago that others would not yield to him.

Mr. NICHOLS. If I have misunderstood the gentleman, I am also sorry.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I cannot yield. Not a single gentleman on the Republican side has yielded to me this afternoon. I am sorry, I cannot yield.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield for a remark in connection with the parliamentary procedure?

Mr. NICHOLS. I yield to my friend, the chairman of the Committee on Rules.

Mr. O'CONNOR of New York. Of course, under the rules of the House the distinguished contestant is entitled to the

floor at this moment. He should have been invited on the floor.

Mr. MICHENER. That is just what I wanted to say.

Mr. NICHOLS. I decline to yield further, Mr. Speaker. Follow the dates and the sequence of these events:

On September 15 two gentlemen in New Hampshire were nominated for Congress, one on the Republican and one on the Democratic ticket, Mr. Jenks and Mr. Roy. On November 3, at a general election in the First Congressional District of New Hampshire the official returns showed that Mr. Roy had received 51,370 votes and Mr. Jenks had received 51,920 votes, a plurality for Mr. Jenks of 550 votes.

On November 9, Mr. Roy appealed to the secretary of state and a recount was had. This recount, which was conducted by the secretary of state in the presence of attorneys and inspectors representing both Roy and Jenks, including the son of Mr. Jenks, a political office holder in the State of New Hampshire at that time, disclosed discrepancies in 114 out of 129 voting units in the First Congressional District. As a result of the recount Jenks lost 241 votes. Roy's net gain was 309 and his total gain 550. The recount showed that Mr. Roy had 51,679 and Mr. Jenks 51,679 votes, an exact tie.

Mr. Fuller, the secretary of state, and Mr. Jackson, the assistant secretary of state, are both Republican officeholders.

Mr. Roy appealed to the ballot law commission on December 1, and Mr. Jenks appealed to that commission on December 2. From December 2 through December 4 hearings were had before the ballot law commission, and under agreement of all the parties concerned the recount made by the secretary of state was accepted as being correct, with the exception of 108 ballots, which by one party or the other were contested and were laid aside, so that only the 108 ballots were considered at the first hearing of the ballot law commission.

The result of that recount was—Roy 51,694, Jenks 51,678, a net gain for Roy of 17 votes. The second recount, if you please, in which the Democratic nominee had gained votes at the hands of Republican recounters.

The ballot law commission consisted of two Republicans and one Democrat, one being the Republican attorney general elected to that office; the other two, one a Republican and one a Democrat, both appointed by a Republican Governor.

December 2, the ballot law commission ruled—

That of the ballots cast for Representative in Congress for the First Congressional District on the 3d day of November 1936, Mr. Roy received 51,696, Mr. Jenks received 51,678; and Mr. Roy, having the highest number of ballots cast, was duly elected. The commission therefore finds and rules that Alphonse Roy, having received the largest number of votes at the biennial election of November 3, 1936, for the First Congressional District of New Hampshire, he is hereby declared to have been duly elected to the office and entitled to a certification of election.

Under the New Hampshire law the Governor of the State of New Hampshire issues the certificate of election. The Ballot Law Commission of New Hampshire ordered the Governor of New Hampshire to issue to Alphonse Roy a certificate of election. He had no choice in the matter. It was mandatory upon him, but in the face of the mandatory direction of the law, the then Republican Governor, who now serves in another body as a distinguished Republican Senator, sat idly in his chair and for 10 days after he received the order, refused, failed, and neglected to issue a certificate of election to Alphonse Roy, despite the fact that during that 10-day interim he issued to himself a certificate of election as United States Senator from that State. What happened in the 10 days? I do not know. Was my distinguished friend from New Hampshire, Mr. Jenks, importuning the Governor not to issue a certificate to Roy? I do not know.

Mr. JENKS of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. JENKS of New Hampshire. I will be very glad to tell the gentleman where the Governor of New Hampshire was at that time.

Mr. NICHOLS. I do not care where the Governor was.

Mr. JENKS of New Hampshire. He was attending a convention of Governors in St. Louis.

Mr. NICHOLS. All right; he was attending a convention of Governors in St. Louis, but during that 10-day interim he had time to issue to himself a certificate of election, and no one will deny that.

On December 8 the Governor was there because Mr. Roy requested of the Governor on December 8 a certificate of election and the Governor refused him. No one has ever yet explained the delay, and months and months and months have passed since the issue was first raised.

On December 14 the Republican candidate for Congress petitions the Republican Governor of New Hampshire, now the Republican Senator, to come to his aid and assistance and give him a rehearing before the ballot law commission and stay the issuance of the election certificate. The petition to the Governor came in the form of a telegram. It was accepted as being in legal form, however, and the Governor granted the stay and sent Roy and Jenks back before the same ballot law commission for another recount, although twice before Roy had been sustained as being the man entitled to this seat.

On December 16 the ballot law commission again started a recount, and this time it was started because the Democratic moderator in the town of Newton had discovered that Mr. Jenks had not got 34 ballots that had been cast down there, and this was the reason the Governor granted him a rehearing—to find out about the 34 ballots. Thus when Roy's attorneys went before the ballot law commission they said the only question here is the 34 ballots in Newton, but the ballot law commission said, "Oh, no; it is not either. We are going to recount all of the ballots now."

So on December 18 the ballot law commission started, and they recounted the 103,000 ballots cast in the election—not just the 34, but the 103,000. Do you know what happened?

For another time another Republican ballot law commission found by the recount that they had to give Roy more votes, and they found 7 more in that recount for him than they had found before, and his majority is now 24 instead of 17. Three times had this boy on the Democratic ticket gone before the recounting boards, and each time had they sent him away and said, "You are entitled to a certificate of election"; and every time they increased his majority.

Finally the ballot law commission said, "It shows you have 24 votes majority after we have counted these ballots three times." "But," they say further, "at this late date we have suddenly determined that the 34 ballots that we knew about away back in November have become the most important thing in this case; so in order to save our Republican friend, on December 18 the ballot law commission said that 34 mythical, mysterious ballots that no one has ever yet admitted seeing were not only cast in the Newton election but went further than that and said that they were cast for Mr. Jenks." No one has ever seen these ballots, but upon that ruling, Mr. Speaker, at the end of four hearings, our distinguished friend from New Hampshire [Mr. JENKS] now occupies his seat in this body upon a margin of 10 votes, 34 of which have never yet been seen.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. My friend Mr. BOILEAU says there were 34 straight Republican ballots lost, strayed, or stolen. Does it not seem rather peculiar to you—it does to me—that in a recount, ballots half the size of a newspaper, if you please, 34 of them straight Republican ballots, could be picked out from among 453 ballots?

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. Not now.

Mr. BOILEAU. But the gentleman has referred to me and I yielded to him.

Mr. NICHOLS. I decline to yield. It would be very simple if the ballots had been stacked straight party piles, but listen to the testimony of Mr. Jackson, the assistant secretary of state:

Mr. Jackson, what is the first thing done when the ballots are spread open and spread out?

Answer. The ballots are opened and put out in piles in a recount of this kind. Where only two candidates are concerned, they are put in piles by candidates.

Not straight Republican ballots, not straight Democratic ballots, not mixed Republican ballots, not mixed Democratic ballots, but they are put in piles by candidates. Does it not seem rather strange to you that someone could ferret out these 34 straight Republican ballots while the counters were standing there watching in both instances? No one has impeached the seal. I join with my distinguished friend from New Jersey [Mr. WOLVERTON], in saying that no one has yet even started to impeach one of these election officers in their care and protection of these ballots. The contrary has been proven. They were sealed, they were kept inviolate.

There were no ballots taken out of the Newton box. The situation is that the checks got on the check list, but the ballots never got in the ballot box. That is the trouble and all the trouble. Who stole the ballots from my distinguished friend from New Hampshire, Mr. Jenks—who stole them from him? Why, he was in the hands of his friends every step of the way. Everyone who had anything to do with the matter was a Republican. Did his friends deliberately steal from my distinguished colleague? I do not think so. If 34 ballots were stolen, I would be inclined rather to say that the friend probably stole from the man of the opposite political faith rather than to think that he would steal from his own kinsman.

Mr. Speaker, Mr. Jenks took the floor and in an impassioned plea said, "Give me only justice." There is no one here to speak of record for Mr. Roy. If he was entitled to the floor the privilege has not been accorded him. He has not been permitted to lift his voice in this body. So for him, who must be silent, I, too, importune you to give this man only justice and nothing else. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. KERR. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I always approach a day like this with a feeling of very great misgiving. These contested-election cases, the great many that I have gone through since I have been a Member of Congress, have always given me great pause, because I say to you in candor that I would not vote to unseat a Republican if I thought he had won the election. Being candid with you further, I say that a week ago I had very grave doubts as to the proper vote for me to cast on this question, but in those days I have examined the record. I read with great care this morning the majority report, and then I read again every word of the minority report, and in the mix-up in this election in New Hampshire, with the votes counted once, counted twice, and then, upon the verge of issuing a certificate of election to Mr. Roy, whom I do not know, whom I never saw, there is some kind of a mystery, and 34 supposed ballots appear on the scene. In order to elect Mr. Jenks, each one of these lost ballots must be counted for him, even to win the election by a majority of 10 votes. As the gentleman from North Carolina [Mr. KERR] so well and forcefully said, all of the ballots were in the hands of the friends and political associates of the gentleman from New Hampshire [Mr. Jenks]. With these 34 votes out as they are, lost and unaccounted for up to now, laying them aside, nobody, I think, contends that Mr. Roy did not win the election by a majority of 24 votes. The votes this committee could get its hands on showed that Roy won this election by a majority of 24 votes. Is it necessary that we conclude absolutely and beyond peradventure of doubt that had these 34 votes been found they would all have been for Mr. Jenks? It seems to me it would take a wild stretching of the imagination to say that all of these 34 votes, if they existed, were for Mr. Jenks. Looking at the case in this light, I care not whether there was crookedness on the part of the Republicans or the Democrats in New Hampshire, although I always want to presume that elections are as they should be—clean—and that every man has counted for him and

received every vote that is cast for him, but looking at this case as I must now, having had grave doubts upon it for weeks, I have come to the conclusion that Mr. Roy should be seated as a Member of Congress, and that I should vote to seat him. [Applause.]

The SPEAKER. All time has expired. For the information of the House, the Clerk will again report the resolution. The Clerk read as follows:

House Resolution 482

Resolved, That Arthur B. Jenks is not entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire; and be it further

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

The SPEAKER. Under the unanimous-consent agreement, the previous question is ordered. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I demand a division of the two propositions in the resolution, and I ask for the yeas and nays.

The SPEAKER. The gentleman from New York asks for a division of the two propositions involved in the resolution. The gentleman, under the precedents, is entitled to ask for a division of the question.

The question is, Shall the yeas and nays be ordered?

The yeas and nays were ordered.

Mr. DIES. Mr. Speaker, I ask that the resolution be again read.

The SPEAKER. Without objection, the first resolve upon which the vote is to be taken will be again read by the Clerk. Mr. TOBEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair will state to the gentleman from New Hampshire that the previous question has been ordered. The yeas and nays have been ordered on the resolution. The Chair cannot recognize the gentleman under these circumstances for a parliamentary inquiry.

Mr. BOILEAU. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BOILEAU. Just a moment ago the Speaker, as the result of a request, ordered that the Clerk again report that part of the resolution to be voted on. It has not been reported.

The SPEAKER. Does the gentleman desire to have the first part of the resolution again reported?

Mr. DIES. That was the request.

Mr. BOILEAU. That was the Speaker's order. It has not been carried out.

The SPEAKER. The Clerk will again read the first resolve of the resolution.

(The Clerk again read the first resolve of the resolution.)

The question was taken; and there were—yeas 214, nays 122, answered "present" 7, not voting 85, as follows:

[Roll No. 101]

YEAS—214

Aleshire	Burch	DeRouen	Forand
Allen, Del.	Caldwell	Dies	Ford, Calif.
Allen, La.	Cannon, Mo.	Dingell	Ford, Miss.
Allen, Pa.	Cannon, Wis.	Disney	Frey, Pa.
Anderson, Mo.	Casey, Mass.	Dorsey	Fries, Ill.
Arnold	Celler	Doxey	Fulmer
Barden	Chapman	Drew, Pa.	Gambrell, Md.
Barry	Citron	Drewry, Va.	Garrett
Bates, Ky.	Claypool	Driver	Gildea
Beam	Coffee, Wash.	Duncan	Gingery
Beiter	Collins	Eberharter	Goldsborough
Biermann	Connerly	Eckert	Gray, Ind.
Bland	Cooley	Edmiston	Greenwood
Bloom	Cooper	Elcher	Gregory
Boland, Pa.	Cox	Elliott	Haines
Boren	Cravens	Evans	Hancock, N. C.
Boyer	Creal	Faddis	Harrington
Boykin	Crosby	Farley	Hart
Boylan, N. Y.	Crowe	Ferguson	Havenner
Bradley	Cullen	Fernandez	Healey
Brooks	Cummings	Fitzgerald	Hendricks
Brown	Daly	Flaherty	Hennings
Buck	Deen	Flannagan	Hildebrandt
Buckley, N. Y.	Delaney	Flannery	Hobbs
Bulwinkle	DeMuth	Fieger	Honeyman

Houston	McGehee	Patrick	Smith, Wash.
Hunter	McGranery	Patterson	Smith, W. Va.
Izac	McReynolds	Patton	Snyder, Pa.
Jarman	Magnuson	Peterson, Ga.	Somers, N. Y.
Johnson, Luther A.	Mahon, S. C.	Pfeifer	South
Johnson, Lyndon	Mahon, Tex.	Phillips	Spence
Johnson, Okla.	Martin, Colo.	Rabaut	Sutphin
Kee	Maverick	Ramsay	Swope
Kelly, Ill.	Mead	Ramspeck	Tarver
Kelly, N. Y.	Meeks	Rankin	Terry
Kennedy, Md.	Mills	Rayburn	Thom
Kennedy, N. Y.	Mitchell, Ill.	Rigney	Thomas, Tex.
Keogh	Moser, Pa.	Robertson	Thomason, Tex.
Kerr	Mouton	Rogers, Okla.	Thompson, Ill.
Kirwan	Murdock, Ariz.	Romjue	Transue
Kitchens	Nelson	Ryan	Umstead
Kocialkowski	Nichols	Sabath	Vincent, Ky.
Kopplemann	O'Brien, Ill.	Sacks	Wallgren
Kramer	O'Brien, Mich.	Sanders	Walter
Lambeth	O'Connell, R. I.	Satterfield	Warren
Lanham	O'Connor, N. Y.	Schaefer, Ill.	Wene
Larrabee	O'Leary	Schuetz	West
Lesinski	O'Malley	Schulte	Whittington
Lewis, Colo.	O'Neal, Ky.	Shanley	Wilcox
Long	O'Neill, N. J.	Shannon	Williams
Lucas	O'Toole	Sheppard	Woodrum
Luecke, Mich.	Palmisano	Sirovich	Zimmerman
McCormack	Parsons	Smith, Conn.	
McFarlane	Patman	Smith, Va.	

NAYS—122

Allen, Ill.	Dondero	Kvale	Rutherford
Amile	Dowell	Lambertson	Sauthoff
Andresen, Minn.	Eaton	Leavy	Schneider, Wis.
Andrews	Engel	Lord	Secrest
Arends	Englebright	Luce	Seger
Bacon	Fletcher	Ludlow	Shafer, Mich.
Barton	Gamble, N. Y.	McKeough	Short
Bates, Mass.	Gavagan	McLaughlin	Simpson
Bell	Gearhart	McLean	Smith, Maine
Bernard	Gehrmann	Maas	Snell
Bigelow	Gifford	Mapes	Sparkman
Boileau	Gilchrist	Martin, Mass.	Stefan
Brewster	Greever	Mason	Taber
Buckler, Minn.	Guyer	Massingale	Taylor, S. C.
Burdick	Gwynne	May	Taylor, Tenn.
Carlson	Halleck	Michener	Teigan
Carter	Hancock, N. Y.	Mott	Thomas, N. J.
Case, S. Dak.	Hartley	Oliver	Tinkham
Chandler	Hill	Pierce	Tobey
Church	Hoffman	Plumley	Treadway
Clason	Holmes	Poage	Turner
Cluett	Hope	Polk	Wadsworth
Cole, N. Y.	Hull	Powers	Welch
Colmer	Jacobsen	Reece, Tenn.	White, Ohio
Costello	Jarrett	Reed, Ill.	Withrow
Crawford	Jenckes, Ind.	Rees, Kans.	Wolcott
Crowther	Jenkins, Ohio.	Reilly	Wolfenden
Culkin	Johnson, Minn.	Rich	Wolverton
Dempsey	Kinzer	Robison, Ky.	Woodruff
Dirksen	Kleberg	Rockefeller	
Ditter	Kniffin	Rogers, Mass.	

ANSWERED "PRESENT"—7

Dunn	Jenks, N. H.	Pace	Scott
Griffith	Johnson, W. Va.	Randolph	

NOT VOTING—85

Ashbrook	Gasque	McMillan	Smith, Okla.
Atkinson	Gray, Pa.	McSweeney	Stack
Binderup	Green	Maloney	Starnes
Boehne	Griswold	Mansfield	Stegall
Byrne	Hamilton	Merritt	Sullivan
Cartwright	Harlan	Mitchell, Tenn.	Summers, Tex.
Champion	Harter	Mosier, Ohio	Sweeney
Clark, Idaho	Hook	Murdock, Utah	Taylor, Colo.
Clark, N. C.	Imhoff	Norton	Thurston
Cochran	Jones	O'Connell, Mont.	Tolan
Coffee, Nebr.	Keller	O'Connor, Mont.	Towey
Cole, Md.	Knutson	O'Day	Vinson, Ga.
Crosser	Lamneck	Owen	Voorhis
Curlley	Lanzetta	Pearson	Wearin
Dickstein	Lea	Peterson, Fla.	Weaver
Dixon	Lemke	Pettengill	Wheelchel
Dockweiler	Lewis, Md.	Quinn	White, Idaho
Doughton	Luckey, Nebr.	Reed, N. Y.	Wigglesworth
Douglas	McAndrews	Richards	Wood
Fish	McClellan	Robinson, Utah	
Fitzpatrick	McGrath	Sadowski	
Fuller	McGroarty	Scrugham	

So the first resolve of the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Imhoff (for) with Mr. Reed of New York (against).
 Mr. Gasque (for) with Mr. Douglas (against).
 Mr. Green (for) with Mr. Lemke (against).
 Mr. Steagall (for) with Mr. Fish (against).
 Mr. Curley (for) with Mr. Robinson of Utah (against).
 Mr. McMillan (for) with Mr. Thurston (against).
 Mr. Johnson of West Virginia (for) with Mr. Wigglesworth (against).
 Mr. O'Connor of Montana (for) with Mr. Atkinson (against).
 Mr. Byrne (for) with Mr. Knutson (against).

Until further notice:

Mr. Cochran with Mr. McGrath.
 Mr. Doughton with Mr. Scrugham.
 Mr. Fuller with Mr. Mosier of Ohio.
 Mr. McClellan with Mr. Clark of Idaho.
 Mr. Mansfield with Mr. Weaver.
 Mr. Summers of Texas with Mr. Harlan.
 Mr. Peterson of Florida with Mr. Ashbrook.
 Mr. Harter with Mrs. O'Day.
 Mr. Boehne with Mr. Hook.
 Mr. Owen with Mr. Lamneck.
 Mr. Coffee of Nebraska with Mr. Dixon.
 Mr. Sullivan with Mr. Voorhis.
 Mr. Vinson of Georgia with Mr. Luckey of Nebraska.
 Mr. Crosser with Mr. Pearson.
 Mr. Binderup with Mr. Taylor of Colorado.
 Mr. Maloney with Mr. Wheelchel.
 Mr. Jones with Mr. McAndrews.
 Mr. Dickstein with Mr. Hamilton.
 Mr. Starnes with Mrs. Norton.
 Mr. Quinn with Mr. Cartwright.
 Mr. Keller with Mr. Clark of North Carolina.
 Mr. Pettengill with Mr. Richards.
 Mr. Champion with Mr. Sadowski.
 Mr. Lanzetta with Mr. Dockweiler.
 Mr. McSweeney with Mr. Gray of Pennsylvania.
 Mr. White of Idaho with Mr. Mitchell of Tennessee.
 Mr. Wood with Mr. Griswold.
 Mr. Fitzpatrick with Mr. Tolan.
 Mr. McGroarty with Mr. Cole of Maryland.
 Mr. Sweeney with Mr. Lea.
 Mr. Murdock of Utah with Mr. O'Connell of Montana.
 Mr. Towey with Mr. Lewis of Maryland.
 Mr. Wearin with Mr. Stack.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the second resolve of the resolution.

The Clerk read as follows:

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

Mr. SNELL. Mr. Speaker, on the second part of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 227, nays 109, answered "present" 5, not voting 87, as follows:

[Roll No. 102]

YEAS—227

Aleshire	DeMuth	Hennings	Merritt
Allen, Del.	DeRouen	Hobbs	Mills
Allen, La.	Dies	Honeyman	Mitchell, Ill.
Allen, Pa.	Dingell	Houston	Moser, Pa.
Anderson, Mo.	Disney	Hunter	Mouton
Arnold	Dorsey	Izac	Murdock, Ariz.
Barden	Doxey	Jarman	Nelson
Barry	Drewry, Va.	Jenckes, Ind.	Nichols
Bates, Ky.	Driver	Johnson, Luthera	O'Brien, Ill.
Beam	Duncan	Johnson, Lyndon	O'Brien Mich.
Better	Eberharter	Johnson, Okla.	O'Connell, R. I.
Biermann	Eckert	Jones	O'Connor, N. Y.
Bland	Edmiston	Kee	O'Leary
Bloom	Elliott	Kelly, Ill.	O'Malley
Boland, Pa.	Evans	Kelly, N. Y.	O'Neal, Ky.
Boren	Faddis	Kennedy, Md.	O'Neill, N. J.
Boyer	Farley	Kennedy, N. Y.	O'Toole
Boykin	Fernandez	Keogh	Palmisano
Boylan, N. Y.	Fitzgerald	Kerr	Parsons
Bradley	Flaherty	Kirwan	Patman
Brooks	Flannagan	Kitchens	Patrick
Brown	Flannery	Kniffin	Patterson
Buck	Fieger	Kocalkowski	Patton
Buckley, N. Y.	Fletcher	Kopplemann	Pearson
Bulwinkle	Forand	Kramer	Peterson, Fla.
Burch	Ford, Calif.	Lambeth	Pfeifer
Caldwell	Ford, Miss.	Lanham	Phillips
Cannon, Mo.	Frey, Pa.	Lanzetta	Polk
Cannon, Wis.	Fries, Ill.	Larrabee	Rabaut
Cartwright	Fuller	Lesinski	Ramsay
Casey, Mass.	Fulmer	Lewis, Colo.	Ramspeck
Celler	Gambrell, Md.	Long	Randolph
Chapman	Garrett	Luecke, Mich.	Rankin
Citron	Gildea	McCormack	Rayburn
Claypool	Gingery	McFarlane	Richards
Coffee, Wash.	Goldsborough	McGehee	Rigney
Collins	Gray, Ind.	McGranery	Robertson
Connery	Greenwood	McReynolds	Rogers, Okla.
Cooley	Gregory	Magnuson	Romjue
Cooper	Griffith	Mahon, S. C.	Ryan
Costello	Haines	Mahon, Tex.	Sabath
Cravens	Hancock, N. C.	Maloney	Sacks
Creal	Harlan	Martin, Colo.	Sanders
Crosby	Harrington	Massingale	Satterfield
Crowe	Hart	Maverick	Schaefer, Ill.
Cullen	Havenner	Mead	Schuetz
Daly	Healey	Meeks	Schulte
Delaney	Hendricks		

Secret
 Shanley
 Shannon
 Sheppard
 Sirovich
 Smith, Conn.
 Smith, Va.
 Smith, Wash.
 Smith, W. Va.

Snyder, Pa.
 Somers, N. Y.
 South
 Spence
 Sutphin
 Swope
 Tarver
 Taylor, S. C.
 Terry

Thom
 Thomas, Tex.
 Thomason, Tex.
 Thompson, Ill.
 Towey
 Transue
 Umstead
 Vincent, Ky.
 Wallgren

Walter
 Warren
 Wene
 Whittington
 Wilcox
 Williams
 Woodrum
 Zimmerman

NAYS—109

Allen, Ill.	Engel	Leavy	Schneider, Wis.
Amlie	Englebright	Lord	Seger
Andresen, Minn.	Fish	Luce	Shafer, Mich.
Arends	Gamble, N. Y.	Ludlow	Short
Bacon	Gavagan	McKeough	Simpson
Barton	Gearhart	McLaughlin	Smith, Maine
Bates, Mass.	Gehrmann	McLean	Snell
Bell	Gifford	Maas	Sparkman
Bollean	Gilchrist	Mapes	Stefan
Brewster	Greever	Martin, Mass.	Taber
Buckler, Minn.	Guyer	Mason	Taylor, Tenn.
Burdick	Gwynne	Michener	Teigan
Carlson	Halleck	Mott	Thomas, N. J.
Carter	Hancock, N. Y.	Oliver	Tinkham
Case, S. Dak.	Hill	Pierce	Tobey
Chandler	Hoffman	Plumley	Treadway
Church	Holmes	Poage	Turner
Clason	Hope	Powers	Wadsworth
Cluett	Hull	Reece, Tenn.	Welch
Cole, N. Y.	Jarrett	Reed, Ill.	White, Ohio
Cox	Jenkins, Ohio	Rees, Kans.	Withrow
Crawford	Johnson, Minn.	Relly	Wolcott
Crowther	Kinzer	Rich	Wolfenden
Culkin	Kleberg	Robison, Ky.	Wolverton
Dirksen	Knutson	Rockefeller	Woodruff
Dondoro	Kvale	Rogers, Mass.	
Dowell	Lambertson	Rutherford	
Eaton	Lamneck	Sauthoff	

ANSWERED "PRESENT"—5

Bigelow	Johnson, W. Va.	Pace	Scott
Dunn			

NOT VOTING—87

Andrews	Dockweiler	Lewis, Md.	Sadowski
Ashbrook	Doughton	Lucas	Scrugham
Atkinson	Douglas	Luckey, Nebr.	Smith, Okla.
Bernard	Drew, Pa.	McAndrews	Stack
Binderup	Eicher	McClellan	Starnes
Boehne	Ferguson	McGrath	Steagall
Byrne	Fitzpatrick	McGroarty	Sullivan
Champion	Gasque	McMillan	Summers, Tex.
Clark, Idaho	Gray, Pa.	Mansfield	Sweeney
Clark, N. C.	Green	May	Taylor, Colo.
Cochran	Griswold	Mitchell, Tenn.	Thurston
Coffee, Nebr.	Hamilton	Mosier, Ohio	Tolan
Cole, Md.	Harter	Murdock, Utah	Vinson, Ga.
Colmer	Hartley	Norton	Voorhis
Crosser	Hildebrandt	O'Connell, Mont.	Wearin
Cummings	Hook	O'Connor, Mont.	Weaver
Curley	Imhoff	O'Day	West
Deen	Jacobsen	Owen	Wheelchel
Dempsey	Jenks, N. H.	Pettengill	White, Idaho
Dickstein	Keller	Quinn	Wigglesworth
Ditter	Lea	Reed, N. Y.	Wood
Dixon	Lemke	Robinson, Utah	

So the second resolve of the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Imhoff (for) with Mr. Reed of New York (against).
 Mr. Gasque (for) with Mr. Douglas (against).
 Mr. Green (for) with Mr. Lemke (against).
 Mr. Curley (for) with Mr. Robinson of Utah (against).
 Mr. McMillan (for) with Mr. Thurston (against).
 Mr. Johnson of West Virginia (for) with Mr. Wigglesworth (against).
 Mr. O'Connor of Montana (for) with Mr. Atkinson (against).
 Mr. Steagall (for) with Mr. Andrews (against).
 Mr. Byrne (for) with Mr. Ditter (against).

General pairs:

Mr. Cochran with Mr. McGrath.
 Mr. Doughton with Mr. Scrugham.
 Mr. McClellan with Mr. Clark of Idaho.
 Mr. Mansfield with Mr. Weaver.
 Mr. Summers of Texas with Mr. Bernard.
 Mr. Harter with Mrs. O'Day.
 Mr. Boehne with Mr. Hook.
 Mr. Coffee of Nebraska with Mr. Dixon.
 Mr. Ashbrook with Mr. Owen.
 Mr. Sullivan with Mr. Voorhis.
 Mr. Vinson of Georgia with Mr. Luckey of Nebraska.
 Mr. Binderup with Mr. Taylor of Colorado.
 Mr. Crosser with Mr. Wheelchel.
 Mr. Dickstein with Mr. Hamilton.
 Mr. McAndrews with Mr. Colmer.
 Mr. Starnes with Mrs. Norton.
 Mr. Quinn with Mr. Deen.
 Mr. Keller with Mr. Clark of North Carolina.
 Mr. Pettengill with Mr. Drew of Pennsylvania.
 Mr. Champion with Mr. Sadowski.
 Mr. Dockweiler with Mr. Cummings.

Mr. Gray of Pennsylvania with Mr. Eicher.
 Mr. White of Idaho with Mr. Mitchell of Tennessee.
 Mr. Wood with Mr. Griswold.
 Mr. Fitzpatrick with Mr. Tolan.
 Mr. McGroarty with Mr. Cole of Maryland.
 Mr. Sweeney with Mr. Lea.
 Mr. Murdock of Utah with Mr. O'Connell of Montana.
 Mr. Lewis of Maryland with Mr. Dempsey.
 Mr. Wearin with Mr. Stack.
 Mr. Smith of Oklahoma with Mr. Jacobsen.
 Mr. Lucas with Mr. Hartley.
 Mr. Ferguson with Mr. May.
 Mr. West with Mr. Hildebrandt.

The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENTS

Mr. FISH. Mr. Speaker, the bells did not ring on the first roll call. In view of that fact, I ask unanimous consent that the gentleman from Minnesota, Mr. KNUTSON, and I may be permitted to vote "nay" on the first roll call.

The SPEAKER. The Chair cannot entertain a unanimous-consent request for that purpose.

Mr. FISH. I want the RECORD to show we would have voted "nay."

The SPEAKER. The Chair will, of course, recognize the gentleman to state how he would have voted had he been present.

Mr. FISH. Mr. Speaker, the gentleman from Minnesota, Mr. KNUTSON, and I would have voted "nay" on the first roll call. We were absent because the bells did not ring on our floor.

Mr. LAMNECK. Mr. Speaker, I experienced the same difficulty at my office and did not hear the bell at all. As I understand, the bell did not ring. Had I been present, I would have voted "nay" on the first roll call.

Mr. MERRITT. Mr. Speaker, the bell for the first roll call did not ring at my office. Had I been present, I would have voted "yea" on that roll call.

Mr. JOHNSON of West Virginia. Mr. Speaker, the gentleman from Massachusetts, Mr. WIGGLESWORTH, is absent today and could not be here while the resolution we have just passed was being considered. Had the gentleman from Massachusetts been present, he would have voted "nay" on both roll calls. If I had been permitted to vote, I should have voted "yea."

SWEARING IN OF A MEMBER

Mr. ROY appeared at the bar of the House and took the oath of office.

ASA C. KETCHAM

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 738) for the relief of Asa C. Ketcham, with a Senate amendment thereto, and concur in the Senate amendment.

Mr. SNELL. Mr. Speaker, I object.

Mr. KENNEDY of Maryland. Will the gentleman withhold his objection?

Mr. SNELL. You have done enough to us this afternoon, and you are not going to do any more tonight.

MESSAGE FROM THE PRESIDENT—INTERNATIONAL LABOR ORGANIZATION

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

The Congress of the United States of America:

The Congress, by a joint resolution approved June 19, 1934, authorized me to accept membership for the Government of the United States in the International Labor Organization. Pursuant to that authorization I accepted such membership on behalf of the Government of the United States.

Representatives of this Government and of American employers and American labor attended the twenty-third session of the International Labor Conference held at Geneva, June 3 to 23, 1937.

That Conference adopted four draft conventions and seven recommendations, to wit:

The recommendation (No. 50) concerning international cooperation in respect of public works.

The recommendation (No. 51) concerning the national planning of public works.

The draft convention (No. 59) fixing the minimum age for admission of children to industrial employment (revised 1927).

The draft convention (No. 60) concerning the age for admission of children to nonindustrial employment (revised 1937).

The recommendation (No. 52) concerning the minimum age for admission of children to employment in family undertakings.

The draft convention (No. 61) concerning the reduction of hours of work in the textile industry.

The draft convention (No. 62) concerning safety provisions in the building industry.

The recommendation (No. 53) concerning safety provisions in the building industry.

The recommendation (No. 54) concerning inspection in the building industry.

The recommendation (No. 55) concerning cooperation in accident prevention in the building industry.

The recommendation (No. 56) concerning vocational education for the building industry.

No action by the Congress appears necessary in connection with the recommendation (No. 50) concerning international cooperation in respect of public works. The United States Government already has indicated its readiness to cooperate in the work of an international committee, and a representative of the Government will be appointed to attend its first sitting. The various branches of the Government will be prepared to communicate annually to such a committee statistical and other information concerning public works already undertaken or planned.

The United States Government has already endorsed the principle of stabilizing public works, contained in the recommendation (No. 51) concerning the national planning of public works, and is endeavoring to put that principle into practice. The terms of the recommendation embrace many proposals which the United States is already applying.

The standards stipulated in the draft convention (No. 59) fixing the minimum age for admission of children to industrial employment (revised 1937) the draft convention (No. 60) concerning the age for admission of children to nonindustrial employment, and the recommendation (No. 52) concerning the minimum age for admission of children to industrial employment in family undertakings are considerably below those generally prevailing in the United States.

The draft convention (No. 61) concerning the reduction of hours of work in the textile industry is the subject of a separate message which I am addressing to the Senate.

The principles set forth in the draft convention (No. 62) concerning safety provisions in the building industry, the recommendation (No. 53) concerning safety provisions in the building industry, the recommendation (No. 54) concerning inspection in the building industry, the recommendation (No. 55) concerning cooperation in accident prevention in the building industry, and the recommendation (No. 56) concerning vocational education for the building industry are presented for the consideration of the Congress in connection with its consideration of legislation now before it designed to promote safety in the building industry.

In becoming a member of the International Labor Organization and subscribing to its constitution this Government accepted the following undertaking in regard to such draft conventions and recommendations:

Each of the members undertakes that it will, within the period of 1 year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of 1 year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the conference bring the recommendation or draft convention before the authority or authorities within whose competence the

matter lies, for the enactment of legislation or other action (art. 19 (405), par. 5, Constitution of the International Labor Organization).

In the case of a federal state, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case (art. 19 (405), par. 9, Constitution of the International Labor Organization).

In accordance with the foregoing undertaking the above-named four draft conventions and seven recommendations are herewith submitted to the Congress with the accompanying report of the Secretary of State, and its enclosures, to which the attention of the Congress is invited.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 9, 1938.

[Enclosures:

1. Report of the Secretary of State.
2. Authentic texts of the four draft conventions and seven recommendations adopted by the International Labor Conference at its twenty-third session.
3. Report of the Secretary of Labor.
4. Report of the Secretary of the Treasury.
5. Report of the Federal Emergency Administrator of Public Works.]

CONDITIONS FOR THE PURCHASE OF SUPPLIES AND THE MAKING OF CONTRACTS BY THE UNITED STATES

The SPEAKER laid before the House the following request from the Senate of the United States:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2165) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech made by the Honorable Henry Ward Beer before the Federal Bar Association.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KENNEDY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech made by me before the New York Chamber of Commerce last evening in New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE DEPRESSION—THE CAUSE AND THE REMEDY

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THIRD: THE CAUSE OF THE WORLD DEPRESSION

Mr. GRAY of Indiana. Mr. Speaker and fellow Members of Congress, during the Great World War crisis the bankers and financiers of all the nations had loaned to their countries large sums of money with which to finance and carry on the conflict, and they had also bought vast war claims with money which after the war they called cheap money, and which means money under higher prices and commodity values.

LENDERS DID NOT WANT TO BE PAID BACK IN THE SAME MONEY AS LOANED

But when the war was over, won or lost to the nations, these war debt holders did not want to be paid back in the same money or of the same value as loaned or paid. They wanted to be paid back in dollars or monetary units, in money

of double or three times the value of the dollars of monetary units loaned or paid. They wanted to be paid back in money of higher value than loaned.

LENDERS ORGANIZE ASSUMING ONLY CURRENCY REFORM

This international bond banker's syndicate to change and increase the value of money was carried on as promoting and going along with a world currency readjustment and reform movement, but always directing a change of money from a lower to double and treble its value, under color of restoring and stabilizing the gold standard.

THE INTERNATIONAL GOLD STANDARD

Reestablishing the so-called international gold standard under the new conditions brought on by the war required the contraction of money in all the nations, separately ordered in each country of the world by directing and controlling the fiscal policy of the different nations of the earth through control of their rulers or parliaments and securing their decrees ordering the changes.

These lending bankers were the great financiers of their countries here, in Europe, and scattered all over the world. They were shrewd, alert, resourceful businessmen, and like other modern businessmen they organized, as our own bankers and manufacturers organize, to advance their own interests and for greater profits. These World War bankers and World War debt claim holders organized to make their bonds payable in higher money.

During the war the nations involved had gone off the gold standard in issuing a greater amount of money, which increased amount had lowered money values or had made all prices and all values higher. This money of lower value was the money loaned by the financiers. And unless the money of the nations was changed the bonds would be paid back in the same money as loaned.

LENDERS ORGANIZED DURING THE WAR

These bankers had maintained an association during the continuance or progress of the great war, and they were organized to urge their claims for payment in a higher-valued money, even at the time or before the armistice, and began their negotiations with their nations, as it was, the day after peace was signed.

It has been said that the bankers of America, on their way across the Atlantic Ocean to meet the European bankers and war claim holders, met and passed in midocean the transport ships from France returning the remnant of American soldiers to their homes back in America.

MONEY LENDERS MET ABROAD

During the course of these negotiations with the nations to change the money in which their bonds were paid, these bankers and financiers met in Brussels in 1920 and then later in Genoa, Italy, and elsewhere, sometimes in the great metropolis of New York and sometimes in their palatial steamers in midocean, always on the same errand—to change the value of money.

Little is known about the secret compact of the World War bond and claim holders, except that the movement was initiated and led by the bankers of our own Federal Reserve System who had become the money masters of the world, the dictators of international finance, from their earnings and profits from the war.

WORLD CURRENCY REFORM

The international bond bankers' movement to change and increase the value of money was carried on as promoting and going along with a world currency readjustment and reform movement, but always directing a change of money from a lower to double and treble its value, under color of restoring and stabilizing the gold standard.

REESTABLISHING THE INTERNATIONAL GOLD STANDARD

Reestablishing the so-called international gold standard, under the new conditions brought by the war, required the contraction of money in all the nations, separately ordered in each country of the world by directing and controlling the fiscal policy of the different nations of the earth through

control of their rulers or parliaments and securing their decrees ordering the changes.

The withering panic resulting here from the contraction and destruction of money was followed in the trail and wake of a like contraction and destruction of money and public currency in every nation of Europe and the World until all were brought to the depths of depression.

A GENTLEMAN'S AGREEMENT

The precise form of the gentlemen's agreement under which this world financial movement was carried on may never have been reduced to writing and may never be known to the outside world, under which the deluded and unsuspecting nations were left writhing in panic and depression, and misled to believe the panic was "a mystery."

It was under this claim of world "currency reform," "sound money" and an "honest monetary unit," but to increase, double, and treble the value of war-debt bonds and claims, that the gold standard was to be restored by which means, to multiply the value of all money in which these bonds and claims were to be paid.

The progress of this world money-mad movement, assuming to restore the international gold standard, can be traced and followed abroad from the shores of our own America, step by step, leading out upon the earth, like an organized army of conquest and subjugation following from one nation to another as invaded.

And each nation was led to give up in submission and to surrender its powers over money and to yield to the claims and demands of the World War bond- and debt-claim holders for the retirement and destruction of its money under which to corner the gold of the earth and monopolize the world's supply of money.

RESULTED IN A PARADOX

These efforts and final accomplishments have resulted in a paradox of cause and effect. The bankers undertook by restoring the gold standard to take more from the people than they could pay, and the depression resulting from the change of money has brought on a world-wide crisis and revolt and led every nation, in fact, to reject the use of gold as money.

In this attempt to force back upon the people a perverted, changed international gold standard whereby to double and treble the value of the war debt bonds and claims, the war debt bond and claim holders brought on an international disorder of industry and wrecked the economic world.

A PLAN CONSIDERED INCONCEIVABLE

But some will say this is inconceivable, this is unbelievable, that all the nations of the world could be led or misled to participate in such a cruel, conspiring money movement, to call in and destroy one-half or more of the people's money, all to double the value of war debt bonds and claims and increase their value upon their taxpaying subjects.

And such a scheme to be mapped or laid out, such a deliberate criminal course of action conceived, planned, and carried out upon the most intelligent and civilized nations, may appear to shock the conscience of men as impossible, inconceivable, unbelievable, and as against all probable presumptions of reasons.

Yet there are the facts standing out to convict the leadership of the civilized nations of equal credulity and dense stupidity with savage, barbarous chiefs who are induced to sell a few of their vassal subjects for a brass or glittering toy or trinket.

BUT NOT SO DIFFICULT TO BELIEVE

But it is not so hard to accept and believe when we know more of the leaders, more of the rulers who control the nations, more of the men who direct the affairs of the State, and who negotiate with international traders and bargain their subjects and territory in chance and gambling exchange agreements.

Oxensjerna, a great Swedish chancellor, in addressing his favorite son, before leaving on a tour of the world, said:

"Go forth, my son, and view the nations and see by what fools the world is governed."

And further significant are the words from the great and immortal Shakespeare, "Some men are born great, some men achieve greatness, and some men have greatness thrust upon them."

And so it is when we know more of and about the personalities and characters of the rulers and the members of the different national parliaments as men who think only to follow a leader. Then the accomplishments of the international financiers, in carrying their designs to a successful conclusion, do not appear so impossible or improbable as otherwise might appear.

THE CANCELLATION AND DESTRUCTION OF MONEY

It was this cancellation and destruction of the money of the nations which multiplied the value of war-debt claims, and all debts and taxes upon the people until the debt obligations to be paid were increased to a greater amount in value than all the property and earnings of the people.

It was this covered movement of international financiers to double and treble the value of their war-debt bonds, by changing the value of money in all the countries with the cooperation of our Federal Reserve bankers here, which has brought about all the suffering here in our own country as well as in other nations, multiplying debts and taxes upon the people, forcing them into foreclosures and bankrupt proceedings.

It was this contraction and destruction of the world supply of money and the multiplication of debts and taxes that made it impossible for the people of the foreign nations of the world to meet and pay their war-debt claims due us and making impossible individual debts as well.

And as it was the withdrawal and destruction of the money of foreign nations which made it impossible for them to pay the war-debt claims to this and other countries, so it was the same contraction and destruction of the money in this country brought on this Nation that has made it impossible here for our farmers and home owners to pay their mortgages.

THE MOVEMENT CARRIED TO OTHER NATIONS

This movement undertaken or attempted was to restore the so-called gold standard not only among the World War nations and our own, but to be carried to other nations as well. To India, China, Indo-China, and the Orient, and to establish the same standard of money in other systems and where never existed before.

When the want, distress, and affliction is shown, the woe, the anguish and despair, the sadness, humiliation, and heartaches, from the loss of property, savings, and homes; the crushing multiplication of debts and taxes suffered by the stricken people of Europe in the attempt to force the gold standard upon them—when this vandalism of human welfare is shown, the blackest chapter of the crime of the ages will not have been written, the darkest picture of the world industrial crisis will not have been portrayed, the story of the foulest and most diabolical conspiracy carried out in criminal indifference and in wanton and disregard of human welfare and hope will not have been told.

The attempt and efforts to change the money and to force the international gold standard upon the nations and peoples who were not involved in the World War was fraught with even greater havoc and destruction of human happiness and welfare than upon the nations engaged in the conflict.

This was especially marked and true of the silver-using nations of the Orient, when the gold standard was forced upon them by melting up and destroying their silver money, their only money for long centuries of time, representing their only buying and consuming power and in which billions in savings were held.

The human mind fails to grasp the enormity of the crime, the magnitude of the disaster which human gluttony, avarice, and greed have brought upon this defenseless, this helpless race of men.

WHAT THE WITNESSES SAY

Radio time will only permit me to call but three of the thousands of witnesses to testify.

E. Kann, international authority on currencies of China and the Orient, at the time said:

The sale by the governments (Great Britain in India, referring to melting up silver in India) has been a black cloud overhanging the silver market like an angel of death.

John B. Walker, a correspondent of the New York Times, then in and writing from China, said:

The effect upon India and China will never be known in its fullest horrors. The immediate depreciation of the only stock of money, silver, stopped trade and starved whole provinces. It caused millions of deaths.

H. G. Stevens, former Secretary of the Treasury of the Dominion of Canada, addressing the Canadian Legislature, said:

In fact, millions on millions in China during the present year have died, largely on account of the inadequacy of their purchasing power (meaning the value of their money).

One billion people in the Orient in China, in India, in the Malay States, are deprived of two-thirds of their purchasing power by the actions of the nations (in melting up and destroying silver as money).

I can only point out the ghastly scenes for the eye to witness.

I can only call to the ear, to listen to the sobs of anguish, the dying.

I can only pray to the tongue to describe and tell.

I can only call to witness the wreckage of human welfare and life, the world calamity and disaster befalling the helpless race of men in the gloom and darkness of appalling death, following in the way and wake of this mad, desperate drive for wealth, riches, and money.

THE WORLD PANIC HAS BEEN CONTINUOUS

This world industrial depression has now continued in this country for 18 years, and the 1929 panic and this 1937 depression are relapses of the same economic disorder, and with the relief rolls growing in the millions and unemployment still further increasing, there should be no adjournment nor recess of Congress.

CONGRESS DID NOT ADJOURN

To adjourn or recess Congress now, with 14,000,000 unemployed and increasing, with 20,000,000 clamoring on the relief rolls, with the spirit of unrest rising in the land, with foreign organizations everywhere forming to urge relief by dictators and arbitrary rule, to adjourn or recess Congress now will be negligence and disregard of public duty and a menace to the security of our free institutions.

I repeat again in this address tonight to adjourn or recess now without a positive or certain remedy on the way will be temporizing with our forms of democracy, will be parleying with our free institutions, will be toying with chaos and disorder, will be preparing the way for designing men to prey upon the suffering, toiling masses and mislead them to change the form of their Government.

To say now that depressions are unsolvable mysteries after our solemn pledge to the people of relief after 6 years of opportunity to provide a remedy, after trial and experiment at the cost of billions, will be justly construed by the people as a maneuver to evade responsibility or as a cowardly mental retreat.

This Congress should not adjourn nor recess until a more certain and positive remedy is provided and until actual relief and permanent recovery has been started and is assured and on the way.

SWEDISH-AMERICAN THREE HUNDREDTH ANNIVERSARY CELEBRATION

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, the largest celebration of any racial unit in the United States, the Swedish-American

Tercentenary, will be held on June 27, 28, 29, and 30 of this year, in Delaware, Pennsylvania, and New Jersey. In its final stages, however, it will be participated in by all Swedish-Americans in the North, South, East, and West of our Nation. It is altogether fitting and proper that we should take cognizance of this occasion.

When William Penn settled his countrymen in the regions which later came to be called Pennsylvania, the newcomers were received by Europeans whose homes had been established on the Delaware almost half a century before. Of these Swedish folk Penn wrote—

They are a plain, strong, industrious people. They kindly received me. * * * I must needs commend their respect to authority and kind behavior to the English. As they are a people proper and strong of body, so have they fine children, and almost every house full; rare to find one of them without three or four boys, and as many girls; some six, seven, and eight sons. And I must do them that right—I see few young men more sober and industrious.

Swedish-American history is a long story which actively began with the coming of the first band of immigrants from Sweden to America in 1638. They are parts of the bone and sinew of two of the original States—Delaware and Pennsylvania. There is not a single one of the 48 Commonwealths today which does not count the children of Sweden among its welcome citizens.

The Swedish period of colonization began with one of the greatest men in European history, Gustavus Adolphus, King of Sweden, who, in 1624, formed a plan of planting the Swedish flag on the American Continent alongside the English and the Dutch. Alongside the *Mayflower*, first ship to Plymouth, and the *Arbella*, of the Massachusetts fleet, must always be reckoned in the annals of American colonization, the *Kalmar Nyckel* and the *Grip*, which, in March 1638, landed a little company of colonists at the New Sweden Rock, now Wilmington.

Three hundred years have passed since Gustavus Adolphus conceived the idea of a New Sweden on the shores of America, and planted a colony whose descendants have contributed much to the life of the United States. The test of the loyalty of the Swedes to their colonial governments came in 1775. They stood manfully with their brethren of other countries. The Swedish-Americans stand out among all the races in the storm and stress of the Revolutionary period. Men and women of Swedish stock shared in the anxieties and helped to make the decisions in the great crisis of the Revolution.

For nearly 50 years after the Revolution immigration of all kinds was light and Swedish immigrants were very few. Down to the Civil War few Swedes were to be found anywhere in the Eastern States. Two hundred years after the colonization on the Delaware, a new stream began to flow from the ancient towns and villages of Sweden toward the New World in the west. When the Civil War broke out in 1861 the Swedes showed more intelligent interest in the struggle than many of their neighbors of English and other races. The Swedish-Americans gave their own services and fought for their own country. Next to no Swedes lived in the South, and the outstanding military men in the northern army were not numerous.

By this time, the Swedish-Americans had achieved their goal of the valley of the Mississippi. Into Illinois and Iowa and Minnesota had they come, first by the hundreds and then by the thousands. By 1880 over 100,000 Swedish men and women had found homes in Illinois, Iowa, and Minnesota, while other thousands had gone into Kansas, Nebraska, and other States. The latest census reveals that one and one-half million people of Swedish ancestry have entered into the social body which is the American people. The New Sweden in America which Gustavus Adolphus dreamed of 300 years ago has been realized in a manner which none in his generation could have fancied.

The Swede is an individualist and has an intensely developed sense of personal rights; hence his feeling of individual ownership is strong. He has a high respect for property rights and an innate feeling for the difference between "mine

and thine." The result is a proverbial honesty which is always mentioned as his distinctive attribute. The Swede is often serious-minded, although he seldom becomes morose. He is generally of an even temperament and in times of stress he usually keeps his balance and is generally not easily influenced by sentimental appeals to partisanship. Religion, founded on meditation and deep personal conviction, is an in-born trait, and often gives a key to his character and his career. Love of music is his most pronounced artistic trait. Vitality and ability to work are also characteristics of the Swede. Work is a necessary prerogative to his happiness. He is more industrious than the majority, but not always saving. As a race, the Swedes possess rare mechanical ability. They have a special aptitude for natural sciences, and as a race have, perhaps, furnished more than their share of prominent scientists in many fields. They are great organizers and natural leaders of men, although somewhat shy and generally modest and retiring, Col. Charles Lindbergh being a notable exponent of this Swedish characteristic. Another pronounced trait of the Swede is his adaptability to new surroundings and ready accommodation to new and strange conditions. Sweden becomes a beautiful dream, but his interests are here, his home henceforth in America, the land where his children will live and die. There are no more patriotic and loyal citizens within the confines of the 48 States than the citizens of Swedish descent.

Mr. Speaker, no comprehensive record is here attempted of that great race of Americans—Swedish-Americans, if you please. I am grateful for the privilege and the honor of bringing to the attention of this distinguished body the occasion of the observance of the tercentenary of the coming of the Swedish colonists to this great country of ours and thus keep alive the flame of the accomplishments of Swedish-Americans. [Applause.]

EXTENSION OF REMARKS

Mr. BACON. Mr. Speaker, I ask unanimous consent in connection with an extension of my remarks to quote from a brief article.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3516. An act to alter the ratio of appropriations to be apportioned to the States for public employment offices affiliated with the United States Employment Service; to the Committee on Labor.

S. 3798. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Labor.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1252. An act for the relief of Ellen Kline;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchev;

H. R. 1737. An act for the relief of Marie Frantzen McDonald;

H. R. 1744. An act for the relief of Grant H. Pearson, G. W. Pearson, John C. Rumohr, and Wallace Anderson;

H. R. 2347. An act for the relief of Drs. M. H. DePass and John E. Maines, Jr., and the Alachua County Hospital;

H. R. 3313. An act for the relief of William A. Fleek;

H. R. 4033. An act for the relief of Antonio Masci;

H. R. 4232. An act for the relief of Barber-Hoppen Corporation;

H. R. 4304. An act for the relief of Hugh O'Farrell and the estate of Thomas Gaffney;

H. R. 4544. An act to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the

remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe;

H. R. 4668. An act for the relief of James Shimkunas;

H. R. 5166. An act to relinquish the title or interest of the United States in certain lands in Houston (formerly Dale) County, Ala., in favor of Jesse G. Whitfield or other lawful owners thereof;

H. R. 5592. An act to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898 (30 Stat. 409, 414);

H. R. 5904. An act for the relief of L. P. McGown;

H. R. 5957. An act for the relief of LeRoy W. Henry;

H. R. 6243. An act to authorize a survey of the old Indian Trail and the highway known as Oglethorpe Trail, with a view of constructing a national roadway on this route to be known as "The Oglethorpe National Trail and Parkway";

H. R. 6404. An act for the relief of Martin Bevilacqua;

H. R. 6508. An act for the relief of Gladys Legrow;

H. R. 6646. An act for the relief of Dr. A. J. Cottrell;

H. R. 6689. An act for the relief of George Rendell, Alice Rendell, and Mabel Rendell;

H. R. 6847. An act for the relief of the Berkeley County Hospital and Dr. J. N. Walsh;

H. R. 6936. An act for the relief of Joseph McDonnell;

H. R. 6950. An act for the relief of Andrew J. McGarraghy;

H. R. 7040. An act for the relief of Forest Lykins;

H. R. 7421. An act for the relief of E. D. Frye;

H. R. 7548. An act for the relief of J. Lafe Davis and the estate of Mrs. J. Lafe Davis;

H. R. 7590. An act to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.;

H. R. 7639. An act for the relief of Al D. Romine and Ann Romine;

H. R. 7734. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claim of A. L. Eldridge;

H. R. 7761. An act for the relief of Sibbold Smith;

H. R. 7817. An act for the relief of C. G. Bretting Manufacturing Co.;

H. R. 7834. An act to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes";

H. R. 7855. An act for the relief of Frieda White;

H. R. 7880. An act to amend the Veterans' Regulation No. 10 pertaining to the "line of duty" for peacetime veterans, their widows, and dependents, and for other purposes;

H. R. 7933. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the San Bernardino and Cleveland National Forests in Riverside County, Calif.;

H. R. 7998. An act for the relief of The First National Bank & Trust Co. of Kalamazoo, Kalamazoo, Mich.;

H. R. 8134. An act to quiet title and possession to certain lands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.;

H. R. 8192. An act for the relief of Herbert Joseph Dawson;

H. R. 8193. An act for the relief of the Long Bell Lumber Co.;

H. R. 8252. An act to quiet title and possession to a certain island in the Tennessee River in the county of Lauderdale, Ala.;

H. R. 8376. An act for the relief of James D. Larry, Sr.;

H. R. 8543. An act for the relief of Earl J. Lipscomb;

H. R. 8565. An act defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes;

H. R. 8665. An act to amend section 3336 of the Revised Statutes, as amended, pertaining to brewers' bonds, and for other purposes;

H. R. 8729. An act granting pensions and increases of pensions to needy war veterans;

H. R. 8773. An act to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes;

H. R. 8794. An act to provide for holding terms of the District Court of the United States for the Eastern District of Virginia at Newport News, Va.;

H. R. 8835. An act for the relief of Fred H. Kocor;

H. R. 8916. An act for the relief of N. W. Ludowese;

H. R. 9200. An act for the relief of Filomeno Jiminez and Felicitas Dominguez;

H. R. 9201. An act for the relief of the Federal Land Bank of Berkeley, Calif., and A. E. Colby;

H. R. 9203. An act for the relief of certain postmasters and certain contract employees who conducted postal stations;

H. R. 9214. An act for the relief of C. O. Hall;

H. R. 9227. An act to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes";

H. R. 9287. An act to authorize the Cairo Bridge Commission, or the successors of said commission, to acquire by purchase, and to improve, maintain, and operate a toll bridge across the Mississippi River at or near Cairo, Ill.;

H. R. 9371. An act authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor;

H. R. 9374. An act for the relief of the Robert E. Lee Hotel;

H. R. 9404. An act to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail;

H. R. 9417. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H. R. 9468. An act to amend the act of May 13, 1936, providing for terms of the United States district court at Wilkes-Barre, Pa.;

H. R. 9475. An act to create a commission to procure a design for a flag for the District of Columbia, and for other purposes;

H. R. 9523. An act to add certain lands to the Ochoco National Forest, Oreg.;

H. R. 9557. An act to authorize the Secretary of Commerce to dispose of material of the Bureau of Lighthouses to the sea scout department of the Boy Scouts of America;

H. R. 9611. An act to permit sales of surplus scrap materials of the Navy to certain institutions of learning;

H. R. 9683. An act to amend the act of June 25, 1910, relating to the construction of public buildings, and for other purposes;

H. R. 9707. An act to authorize the conveyance of the old lighthouse keeper's residence in Manitowoc, Wis., to the Otto Oas Post, No. 659, Veterans of Foreign Wars of the United States, Manitowoc, Wis.;

H. R. 9848. An act to require that horses and mules belonging to the United States which have become unfit for service be destroyed or put to pasture;

H. R. 9933. An act to authorize the United States Golden Gate International Exposition Commission to produce and sell certain articles, and for other purposes;

H. R. 9975. An act to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex.;

H. R. 9983. An act authorizing the city of Greenville, Miss., and Washington County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the city of Greenville, Washington County, Miss., to a point at or near Lake Village, Chicot County, Ark.;

H. R. 10075. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 10154. An act to authorize the Secretary of War to lend War Department equipment for use at the 1938 National

Encampment of Veterans of Foreign Wars of the United States to be held in Columbus, Ohio, from August 21 to August 26, 1938;

H. R. 10155. An act to permit articles imported from foreign countries for the purpose of exhibition at the Seventh World's Poultry Congress and Exposition, Cleveland, Ohio, 1939, to be admitted without payment of tariff, and for other purposes;

H. R. 10275. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 10297. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10312. An act to amend section 3 of the act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes", approved September 19, 1918 (40 Stat. 960, 65th Cong.);

H. R. 10455. An act to authorize the Secretary of War to proceed with the construction of certain public works in connection with the War Department in the District of Columbia;

H. R. 10462. An act to amend the act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers," approved February 25, 1929, as amended;

H. R. 10488. An act to provide for allowing to the Gem irrigation district and Ontario-Nyssa irrigation district of the Owyhee project terms and payment dates for charges deferred under the Reclamation Moratorium Acts similar to those applicable to the deferred construction charges of other projects under said acts, and for other purposes;

H. R. 10530. An act to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on land bank commissioner's loans until July 1, 1940;

H. R. 10611. An act to extend the times for commencing and completing the construction of a bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala.;

H. R. 10643. An act to amend the act of August 9, 1935 (Public, No. 259, 74th Cong., 1st sess.);

H. R. 10652. An act to provide for the ratification of all joint resolutions of the Legislature of Puerto Rico and of the former legislative assembly;

H. R. 10673. An act to exempt the property of the Young Women's Christian Association in the District of Columbia from national and municipal taxation;

H. R. 10737. An act to authorize the Secretary of War to grant rights-of-way for highway purposes and necessary storm sewer and drainage ditches incident thereto upon and across Kelly Field, a military reservation in the State of Texas; to authorize an appropriation for construction of the road, storm sewer, drainage ditches, and necessary fence lines;

H. J. Res. 582. Joint resolution supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia;

H. J. Res. 631. Joint resolution to provide for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg;

H. J. Res. 655. Joint resolution amending paragraph (4) of subsection (n) of section 12B of the Federal Reserve Act, as amended;

H. J. Res. 658. Joint resolution for the designation of a street or avenue to be known as "Maine Avenue"; and

H. J. Res. 672. Joint resolution for the designation of a street to be known as "Oregon Avenue," and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

- S. 546. An act for the relief of Annie Mary Wilmuth;
 S. 865. An act for the relief of Alceo Govoni;
 S. 1788. An act for the relief of William J. Schwarze;
 S. 2413. An act for the relief of the Boston City Hospital, and others;
 S. 2474. An act to provide a uniform method for examinations for promotion of warrant officers;
 S. 2770. An act for the relief of Elizabeth F. Quinn and Sarah Ferguson;
 S. 3215. An act for the relief of Griffith L. Owens;
 S. 3373. An act to provide for holding terms of the district court of the United States at Hutchinson, Kans.;
 S. 3379. An act for the relief of Arthur T. Miller; and
 S. 3836. An act relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until tomorrow, Friday, June 10, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a full open hearing before the Committee on Naval Affairs, Friday, June 10, 1938, at 10 a. m., for the consideration of private bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 9 a. m., Friday, June 10, 1938, on H. R. 10726, relating to the Omaha-Council Bluffs Bridge over the Missouri River.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1421. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 17, 1938, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of side channels or basins at Palm Beach * * * Fla., with a view to providing connections with the Intracoastal Waterway, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 705); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1422. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 26, 1938, submitting a report, together with accompanying papers and illustrations, on reexamination of Columbia and Snake Rivers, Oreg., Wash., and Idaho, authorized by section 6 of the River and Harbor Act approved August 30, 1935, and requested by resolutions of the Committee on Commerce, United States Senate, adopted May 21, 1938, August 21, 1935, and June 10, 1936 (H. Doc. No. 704); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

1423. A letter from the Acting Comptroller General of the United States, transmitting a report involving the Navy Department pursuant to the provisions of section 312 (c) of the Budget and Accounting Act (42 Stat. 26), requiring the Comptroller General to specially report contracts made by any department or establishment in violation of law; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,
 Mr. PALMISANO: Committee on the District of Columbia. S. 3754. An act to amend sections 729 and 743 of the Code of Laws of the District of Columbia; without amendment

(Rept. No. 2667). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 10127. A bill to regulate interstate commerce by establishing an unemployment insurance system for individuals employed by certain employers engaged in interstate commerce, and for other purposes; with amendment (Rept. No. 2668). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 521. Resolution providing for the consideration of H. R. 8176, a bill providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes; without amendment (Rept. No. 2669). Referred to the House Calendar.

Mr. GREENWOOD: Committee on Rules. House Resolution 522. Resolution providing for the consideration of S. 2838, an act to establish a public airport in the vicinity of the National Capital; without amendment (Rept. No. 2670). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 523. Resolution providing for the consideration of H. R. 10605, a bill to authorize the appropriation of funds for the development of rotary-winged aircraft; without amendment (Rept. No. 2671). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 1131. An act to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves; with amendment (Rept. No. 2672). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAWFORD: Committee on Indian Affairs. H. R. 10644. A bill for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for other purposes; without amendment (Rept. No. 2673). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 3464. A bill to carry out certain obligations to certain enrolled Indians under tribal agreement; without amendment (Rept. No. 2675). Referred to the Committee on the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. H. R. 10801. A bill to carry out the findings of the Court of Claims in the case of Lester P. Barlow against United States; without amendment (Rept. 2666). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on Indian Affairs. H. R. 10885. A bill to amend an act entitled "An act authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit and others; and to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev."; without amendment (Rept. No. 2674). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOREN: A bill (H. R. 10879) to extend the services of the National Bureau of Standards by providing for establishing performance standards when in the public

interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McGEHEE: A bill (H. R. 10880) to amend the District of Columbia Unemployment Compensation Act to provide for unemployment compensation in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 10881) to allow credits against the title IX tax, of the Social Security Act, for contributions to unemployment funds required by State law, irrespective of time of payment; to the Committee on Ways and Means.

By Mr. MARTIN of Colorado: A bill (H. R. 10884) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, or knitted or felted fabrics and in garments or articles of apparel or other articles made therefrom, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: Concurrent resolution (H. Con. Res. 62) providing for an increase of funds in connection with the joint resolution entitled "Joint resolution creating a special joint congressional committee to make an investigation of the Tennessee Valley Authority;" to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS: A bill (H. R. 10882) for the relief of Siems-Helmets, Inc.; to the Committee on Claims.

By Mr. SACKS: A bill (H. R. 10883) for the relief of Sam Knubowiec, also known as Sam Riss; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5329. By Mr. LUTHER A. JOHNSON: Petition of Hon. Jerry E. Clarke, the criminal district attorney of Hillsboro, Tex., favoring House bill 6587, to blanket all of the deputy collectors of internal revenue into civil service; to the Committee on the Civil Service.

5330. By Mr. DIXON: H. R. No. 165, memorializing the Congress of the United States to adopt legislation which would authorize the Federal Government to assume the assessments and bear the entire cost of the improvements made by the Muskingum conservancy district; to the Committee on Appropriations.

5331. By Mr. HART: Memorial of the Assembly of the State of New Jersey, memorializing Congress to eliminate the taxation of gasoline by the Federal Government, leaving the taxation of sales of gasoline exclusively to the States as a means of providing funds for road construction and maintenance; to the Committee on Ways and Means.

5332. By Mr. KENNEDY of New York: Petition of the New York Works Progress Administration, Chapter 32, of Federation of Architects, Engineers, Chemists, and Technicians, requesting support of the Walsh-Healey bill (H. R. 6449); to the Committee on the Judiciary.

5333. By Mr. LAMBERTSON: Petition of A. S. Strain and 526 other citizens of Shawnee and Marshall Counties, Kans., urging passage of CHARLES N. CROSBY's bill providing for a fund to be raised by a 2-percent gross income tax, to be prorated to all eligibles over 60 years old, with the amendments offered by Congressman BOILEAU; to the Committee on Ways and Means.

5334. By Mr. LAMNECK: Petition of Beatty, Coady-Myers, of Franklin County, Ohio, memorializing the Congress of the United States to exercise its right to coin and regulate the value of money in accordance with the provisions of section 8, paragraph 5, article 1, in order to provide relief for the unemployed; to the Committee on Coinage, Weights, and Measures.

5335. By Mr. O'NEAL of Kentucky: Petition of citizens of Louisville, Ky., in behalf of House bill 4199 and other legislation; to the Committee on Ways and Means.

5336. By the SPEAKER: Petition of the Utility Workers Union, Local 111, Bronx, N. Y., petitioning consideration of their petitions with reference to having enacted into law President Roosevelt's program for economic recovery; to the Committee on Ways and Means.

5337. Also, petition of Salathiel Frazier, Glasgow, Mo., and others, petitioning consideration of their petition and program; to the Committee on Ways and Means.

SENATE

FRIDAY, JUNE 10, 1938

(Legislative day of Tuesday, June 7, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 9, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, in view of the legislation the Senate is to consider this morning, I note the absence of a quorum and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	O'Mahoney
Andrews	Copeland	Hughes	Overton
Ashurst	Davis	Johnson, Calif.	Pepper
Austin	Dieterich	Johnson, Colo.	Pittman
Bailey	Donahay	King	Pope
Bankhead	Duffy	La Follette	Radcliffe
Barkley	Ellender	Lee	Reames
Berry	Frazier	Lewis	Reynolds
Bilbo	George	Lodge	Russell
Bone	Gerry	Logan	Schwartz
Borah	Gibson	Louderman	Schwellenbach
Brown, Mich.	Gillette	Lundeen	Sheppard
Brown, N. H.	Glass	McAdoo	Shipstead
Bulkeley	Green	McGill	Smith
Bulow	Guffey	McKellar	Thomas, Utah
Burke	Hale	McNary	Townsend
Byrd	Harrison	Miller	Truman
Byrnes	Hatch	Milton	Vandenberg
Capper	Hayden	Minton	Van Nuys
Caraway	Herring	Murray	Wagner
Chavez	Hill	Neely	Walsh
Clark	Hitchcock	Norris	Wheeler

Mr. LEWIS. I announce that the Senator from Iowa [Mr. GILLETTE], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. McCARRAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained from the Senate on important public business.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of the death of his wife.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

L. H. PARKER

Mr. HARRISON. Mr. President, I desire to call the attention of the Senate to the fact that at a meeting of the Joint Committee on Internal Revenue Taxation held this morning the resignation of the chief of staff of the committee, Mr. L. H. Parker, was accepted.

Mr. Parker has been with the joint committee since it was first organized 12 years ago. The committee was created by the Revenue Act of 1926, and Mr. Parker first became associated with it as Chief of the Division of Investigation. He served in that capacity until 1929, when the staff of the committee was reorganized, and he was then named chief of staff. He has served in that important position continuously.